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ANNEXATION OF HAWAII.

SPEECH

OF

HON. STEPHEN M. WHITE,
OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

25.10
8.372
June 21 and 22, July 5 and 6, 1893.

WASHINGTON.
1893.



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Mr. W. A. Smith

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SPEECH
OF
HON. STEPHEN M. WHITE.

Tuesday, June 21, 1898.

The Senate having under consideration the joint resolution (H. Res. 239) to provide for annexing the Hawaiian Islands to the United States—

Mr. WHITE said:

Mr. PRESIDENT: The correct determination of the issues now before the Senate is not only of vital national importance, but involves questions more grave than any dealt with in this generation. Heedless and thoughtless is the man who thinks otherwise. Some outside of this Chamber, persons ordinarily considerate, are in numerous instances carried away either by interest or by the excitement incident to the conditions surrounding us. They may clamor for immediate judgment, for no debate; but if this body is impotent to examine with care, with patience, and with at least some ability a crisis of this grave import, it has failed to accomplish the object for which it was called into existence and it has responded not to the aspirations of the framers of the Constitution.

Our differences, Senators, may be radical. There are a number upon one side of this issue and upon the other who are taking their positions honestly and with some degree, I trust, of intelligence. It will not, I think, prevent proper deliberation, I know it will not hasten consideration, to insist that there shall be no discussion and that in this body there shall be assigned no reasons for our action. The duty demanding reasons for our conduct will be discharged regardless of the demonstrations of arrogance.

THERE IS NO CONSTITUTIONAL POWER TO ANNEX FOREIGN TERRITORY BY RESOLUTION, CERTAINLY NOT OTHERWISE THAN AS A STATE.

Whatever may be said of the past history of this country or of the records to which Senators have adverted, there is one proposition which can not be contested, namely, that there is no precedent for this proposed action. States have been admitted into the Union, territory has been acquired and has been annexed by treaty stipulation, but there is no instance where by a joint resolution it has been attempted not only to annex a foreign land far remote from our shores, but also to annihilate a nation, to withdraw from the sovereign societies of the world a government which, in the opinion of the Senator from Alabama [Mr. MORGAN], is the best government of which he has any cognizance—no instance where an act of such supreme importance has been advocated as mere legislation.

It is well to reflect upon this subject and to do so not merely as it affects our obligation to obey the Constitution, but also as it pertains to our destiny and refers to the reasons for our existence. Senators may say that this, that, or the other should induce us to render ready acquiescence to an imperious and sudden demand, but I believe that every member of this body should record his

vote after patient and careful thought, and that the judgment which he enters here should be one to meet the approval of his conscience. We are building for time to come, as well as for the present. We can not shift responsibility. The advice of the uninformed or criminal will not mitigate our mistakes, even though their views are momentarily indorsed.

Undoubtedly it is pleasant to be with the majority. The acclaim of victory never falls upon an unsympathetic ear when it reaches the person who has joined in bringing it about, but the obligation which attaches to our position requires, it seems to me, something beyond the reward of popularity. The Republic will never be safe if her people depend upon the mere guesses of Senators. The demands of honesty and the candid discharge of the Senator's duty as he sees it are but expressions of the same idea.

Mr. President, what are we asked to do? The resolution which has been presented comes from the House of Representatives, and is but a repetition of the resolution prepared by the Committee on Foreign Relations of this body, and is to my mind upon its face, irrespective of the constitutional questions involved, I was about to say absurd in its inaccuracy. Without for the time being debating the desirability of the annexation of the islands, gaze upon this proposed resolution. I appeal to Senators who are opposed to me upon the merits of this subject, and especially to those Senators, eminent at the bar, whose views have always been zealously guarded by their respect for that law which they have sworn to support and that Constitution to which they have here and elsewhere given their unqualified and repeated adhesion.

The joint resolution is entitled "A joint resolution to provide for annexing the Hawaiian Islands to the United States." It is as follows:

Joint resolution to provide for annexing the Hawaiian Islands to the United States.

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing Government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted

for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed \$4,000,000. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said Government shall continue to pay the interest on said debt.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper.

SEC. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

I repeat, quoting from the resolution:

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, etc.

The resolution thus refers truly to the grant contained in the Hawaiian constitution, but utterly disregards the facts when it assumes that an unratified treaty means anything. I continue the quotation:

That said cession is accepted, ratified, and confirmed.

What cession, Senators? Has any cession been made? Is there a lawyer upon either side of this Chamber who is willing to say that there has been a grant, a cession by Hawaii of Hawaii? Can a cession be made when a proposition emanates from one party unaccepted by the other? Is there anyone who has regard for those attainments which he possesses who will claim that such contract has been made? Is there any ambiguity in the meaning of the word "cession?" Is there any doubt about it? In Anderson's Dictionary of the Law, "cession" is defined "a yielding up, a transfer, a grant, as of land," and so on.

Has there been any grant? Mr. President, the people of Hawaii under their constitution provided how the islands might be ceded to the United States. They defined and limited in their organic instrument the method of conveyance by which they were to operate the divestiture of empire. Has that method been followed? Does anyone pretend that it has been followed?

Will anyone speak to me of a "treaty" when we are confronted with a mere proposition negotiated between the plenipotentiaries of two countries and unratified by a tribunal—this Senate—whose concurrence is necessary? There is no treaty; no one can reasonably aver that there is a treaty. No treaty can exist unless it has attached to it not merely the acquiescence of those from whom it emanates as a proposal. It must be accepted—joined in by the

other party. This has not been done. There is, therefore, no treaty.

Black defines a treaty thus:

In international law an agreement between two or more independent states—an agreement, league, or contract between two or more nations or sovereigns formally signed by commissioners properly authorized and solemnly, ratified, etc.

Hence the declaration in the resolution that a treaty has been made is manifest falsehood.

Whence, then, do we derive the right to speak of a cession, of a concession—of a grant? There is no grant, Senators. Whatever may be your views of the situation, that you can not deny. Yet in this instrument which you put before us, and which you ask us to support, you tell us that there is a cession, when you know that a cession can not be made without the concurrence of both parties to the agreement. That this resolution involves untruth is palpable.

Not only Mr. Frelinghuysen, a former Secretary of State, but other eminent publicists speak of a treaty as a contract and of rights conferred as contractual. We know, however we may regard a treaty, that it is absolutely ineffective, a veritable nothing, until it has received the approval of all parties who are necessary to it and who are named in it as such. Is a deed of any efficacy simply because I sign it, though I may have the title to property, if it is not duly delivered? Is a contract which mentions A and B as essential parties of any validity or any better than waste paper unless A and B concur and join in it? And yet in this remarkable resolution you treat this instrument as a concession, as an absolute accomplished fact, when you concede that it has no effectuality unless the same is given it by one party.

Mr. President, if this so-called treaty were executed by both parties, if it received the indorsement of this Government and was ratified by the Senate, then you would treat it as a cession. Would your treatment of it be any different from that which you now give it? Would you speak of it in any other way than you now speak of it when you say that the cession is accepted? And will you tell me, or can any one tell me, with any face or countenance, that a treaty which has not been accepted by the United States or ratified by the Senate is upon exactly the same plane as a similar compact which has been made complete under our laws? Yet such is the tenor of this resolution—such the ridiculous theory upon which we are asked to pass it.

Whatever may become of this subject in the end, I should be ashamed of the Senate if it indorsed a proposition involving such a manifest contradiction as this resolution. I should be regretful of the Senate and doubtful of the ability of its members if it voted for a resolution declaring that a cession had taken place by treaty, when upon our own records we find the indisputable evidence that there has been no ratification of such a treaty, and that there has been no cession or grant whatever. Yet it is not even proposed to change this phraseology—so ardent, if I may be permitted to use the expression, have some folk in this world become that they are willing to adopt anything if it involves the grant of Hawaii to this country, whatever may be the authority or whatever may be the language.

Mr. President, some may be surprised that gentlemen of ability and erudition, whose duty commands them to this Chamber, pay but little attention to this momentous subject. Many of them do not hesitate to announce elsewhere than in their seats that they

are not in sympathy with this resolution, but they have made up their minds to swallow it, whatever it is or may be, and the less they know about it the less strain upon consciences already somewhat exerted.

But there are many matters other than the mere form of this resolution, there are numerous propositions besides those involved in the power of Congress; yet I think that, before entering into inquiries as to the merits of the case outside of the Constitution, it may not be amiss to ascertain whether we contemplate trampling upon the organic law in which we all profess to believe. I have heard it said upon this floor by a Senator not now in the Chamber, but a very ardent annexationist, that the Constitution, after all, has nothing to do with annexation. Well, Mr. President, if we may select from the many topics before us those which in our opinion had better be regarded in the absence of the Constitution, if that be a field for personal discretion and whim, we might as well eliminate that instrument from all thought and avoid its application to any controversy whatsoever.

The Senator from Georgia [Mr. BACON], in a very powerful address delivered yesterday, pointed out, from the debates in this body, that there never was a time or a day when any lawyer here claimed that the Congress of the United States, by joint resolution, had a right to appropriate territory or to do anything save admit new States. It is a stock argument for those who are in favor of Hawaiian annexation to declare that Texas is an example; that that State was admitted by joint resolution after a treaty had been rejected, and that, therefore, we may admit Hawaii, not as a State, but as a dependency, a Territory, or what not, upon that precedent. I repudiate this so-called argument. I deem it my duty to call attention to some of the decisions relied upon by the Committee on Foreign Relations in support of their contention on this point, and to certain precedents in the way of declarations of statesmen in both Houses, which have not yet been cited.

I assume, to begin with, as I have said, that we are for the first time endeavoring to annex extraneous territory, not as a "new State," by joint resolution, and that there is no precedent for such legislation. What was the condition in Texas? The Congress of the United States did not adopt any such monstrous piece of contradiction and false statement as that reposing in the joint resolution to which I have adverted. It did not declare that there had been a cession when there was no cession. On the contrary, the first resolution adopted was as follows:

No. 8.—Joint resolution for annexing Texas to the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2. And be it further resolved, That the foregoing consent of Congress is given upon the following conditions, and with the following guaranties, to wit: First, said State is to be formed subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the 1st day of January, 1846. Second, said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas, shall retain all the public

funds, debts, taxes, and dues of every kind which may belong to or may be due and owing said Republic, and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third, new States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36° 30' north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line slavery or involuntary servitude (except for crime) shall be prohibited.

3. *And be it further resolved*, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas as an overture on the part of the United States for admission, to negotiate with that Republic; then,

Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission and the cession of the remaining Texan territory to the United States shall be agreed upon by the Government of Texas and the United States; and that the sum of \$100,000 be, and the same is hereby, appropriated to defray the expenses of missions and negotiations to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate or by articles to be submitted to the two Houses of Congress, as the President may direct.

Approved March 1, 1845 (5 Statutes at Large, page 798).

After this, such proceedings were had in Texas that the Congress of the United States on the 29th day of December, 1845, adopted another joint resolution, as follows:

No. 1.—Joint resolution for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a joint resolution approved March 1, 1845, did consent that the territory properly included within and rightfully belonging to the Republic of Texas might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic by deputies in convention assembled, with the consent of the existing Government, in order that the same might be admitted as one of the States of the Union, which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and

Whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing Government, did adopt a constitution and erect a new State with a republican form of government, and in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guaranties contained in said first and second sections of said resolution; and

Whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further resolved*, That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives.

Approved, December 29, 1845. (9 Statutes at Large, page 108.)

Mr. President, it will be observed that in the Texas instance there was no unsustained reference to any cession, no pretense that the people of Texas had made any grant of their territory to the United States, and yet that statement might have been made

in the face of the defeat of that treaty in the Senate with the same propriety that it is asserted in the pending joint resolution, for the Hawaiian so-called treaty stands unratified by the Senate. Equally impotent is it as a document of legal effect, equally valueless as a grant, equally nugatory for any other purpose, standing unratified as though it had been rejected.

Perhaps there may be this qualification, that it is subject to ratification, whereas a defeated treaty can not be made the basis for any affirmation; but so far as its legal potentiality is concerned, it is just as worthless to-day in the hands of the Secretary of this body unratified as though it had been rejected. It is not a treaty. The essential element of ratification here is wanting. And yet the Committee on Foreign Relations and the advocates of annexation, in the face of this obvious truth, speak of this attempted and unconsummated act as a cession, and ask the Senate to place itself upon record as holding that an unratified treaty involves the cession or grant of a republic.

Mr. President, there was no such contradiction in the Texas case. There was a proposition made by the Congress of the United States, and the conditions contained in the first joint resolution already read were accepted by Texas, and thereupon the Congress passed another joint resolution making it of record that those conditions have been complied with, and then everything was complete. There was no cession of territory in the joint resolution. Texas was admitted as a State under the specific language of the Constitution. That phraseology has already been mentioned, but perhaps it will do no harm to read it again. However futile, as far as its effect upon those who do not care to listen may be, it is well to register here that some one has some regard for the organic law and is not disposed to ignore it. Section 3 of Article IV of our Constitution is as follows:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or part of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Senator from Georgia [Mr. BACON], with that clearness which is his characteristic, gave us the true reading and interpretation of that paragraph. I do not intend to fully traverse the field which he so ably considered except as it may be necessary in an incidental way, but I wish to incorporate here the appropriate language cited by the Senator from Georgia from Mr. Thurman. (Congressional Globe, part 1, third session Forty-first Congress, page 193.)

Mr. THURMAN. I believe, sir, it is proper enough for me to say, for I think the President himself says it in his annual message, that a treaty was negotiated for the annexation of Dominica to the United States, and that that treaty failed to receive the requisite votes in favor of its ratification, thus disclosing the fact that between the President of the United States and the Senate there is a direct opposition of opinion upon the subject of this acquisition.

Now, not willing to defer to the opinion of the Senator—and I do not say that in order to blame him; he has a right to his own opinion—the President, with very great earnestness, urges upon Congress and upon the country the desirableness of this acquisition, and he goes so far as to suggest the mode by which Dominica may be annexed. Seeing that it is not likely to be annexed under the treaty-making power for want of the requisite support in the Senate, he suggests that it may be annexed by joint resolution, as in the case of Texas; and it is with a view to carry out, no doubt, the wishes or opinions of the President in this particular that the Senator from Indiana has introduced the joint resolution.

Now, the first thing that strikes me is this: Is the Senate ready to recede

from its position? Is the Senate willing to ratify a treaty for the annexation of Dominica, or is the Senate ready to annex Dominica by joint resolution?

And in that connection I beg leave to call the attention of the Senate to the fact that you can not by joint resolution annex Dominica as a Territory; you must annex her as a State if you annex her by joint resolution. There is no clause in the Constitution of the United States that provides for the acquisition of territory by joint resolution of Congress unless it be one single provision, and that is that the Congress may admit new States into the Union. And it was upon the argument that there was no limitation upon that power to admit new States into the Union, that it was not limited to territory belonging to the United States, but that territory belonging to a foreign power might be admitted into the Union as a State.

It was upon that doctrine that the resolution in the case of Texas was passed. But no one has ever pretended that you could by joint resolution annex territory as a Territory without admitting it as a State. Then, if a treaty is to be abandoned, the proposition which is before the Senate is, Is this Senate prepared to annex Dominica in its present condition?

* * * * *

Nobody, I think, has the least idea that any treaty for its annexation can be ratified. This Senate is not so ignorant that it did not know every essential thing in this resolution when it voted on the treaty. It would be to stultify ourselves to say that there is one single material inquiry in all this resolution that was not known to the Senate when it voted on the treaty; and unless the Senators who were opposed to that treaty are willing to recede from their opposition and ratify a treaty that may be formed, it follows that this resolution can only be put forward with the view of annexing Dominica by joint resolution, and that, as I said before, you can not do unless you are willing to take her in as a State.

That is what Allen G. Thurman said in this Chamber in the year 1870.

I say again that no man on this floor, I think, has the least idea that a treaty of annexation can receive the requisite number of votes for its ratification, and therefore—and I can not, perhaps, repeat it too often—the only question is, Will you annex Dominica as a State?

I will quote from several able men who were heard from in the Texas debate, showing that in that remarkable discussion every advocate of annexation grounded his faith upon the specific grant contained in the Constitution to admit new States. Indeed, in that great controversy, notable not only for the learning which was evolved, but for the statesmanship which was manifested, there was no one who took the ground of a recent eminent statesman who said that we can admit Hawaii under the “general-welfare” clause of the Constitution.

This novel extension of the general-welfare clause deserves to be classed with the somewhat more candid utterance of another, who asked, “What is the Constitution between friends?”

Without taking time to read in full speeches which I have tried to examine, I will quote very briefly from some of the addresses made during the Texas debate in enforcement of the statement which I have just made. Mr. Johnson, of Tennessee, afterwards President of the United States and then in the House of Representatives, on the 21st of January, 1845, said:

The admission of a sovereign State into the Union is not an acquisition of territory in the sense that territory is or can be acquired under the treaty-making power. They are wholly different. * * *

Mr. Johnson was talking of admission by joint resolution. He recognized the distinction upon which I insist.

I quote from page 222, Appendix, Congressional Globe.

Mr. Douglas, of Illinois, also in the House of Representatives, on the 6th of January, 1845, page 67 of the Appendix to the Congressional Globe, said, in alluding to the proceedings of the Constitutional Convention:

All of the propositions, after meeting with some favor at first, were finally rejected, and the general clause as it now stands in the Constitution, providing that “new States may be admitted by the Congress into the Union,” was

adopted in lieu of them. Thus it will be perceived that instead of restricting the power as it existed in the articles of confederation, it was greatly enlarged in the Constitution so as to authorize Congress to admit new States by a vote of a majority of each House, whether within the original limits of the United States or not.

Mr. Tibbatts, of Kentucky, on January 13, 1845, page 110 of the same Appendix, said:

Mr. Madison, who was the author of that number (fourteenth number of the *Federalist*), says: "The immediate object of the Federal Constitution is to secure the union of the thirteen primitive States, which we know to be practicable, and to add to them such other States as may arise in their bosoms or in their neighborhood, which we can not doubt to be equally practicable." Thus, according to the interpretation given this power by Mr. Madison, the Constitution provides, first, for the union of the then existing thirteen States; secondly, for the admission of new States which arise out of the original States; and thirdly, for the admission of such other States as might arise in the neighborhood of the thirteen primitive States.

Mr. Bowlin, of Missouri, whose remarks are found on page 93 of the Appendix to the *Congressional Globe*, said:

Now, sir, what says the Constitution itself upon the subject of the admission of new States into the Confederacy? It says: "New States may be admitted by the Congress into this Union." This is the express language of the Constitution, and without any restriction, except so far as it concerns the division or amalgamation of existing States. Can language be more comprehensive than this? The power is here given in the very broadest terms.

Mr. Colquitt, of Georgia, a Senator, on page 254 of the Appendix to the *Congressional Globe*, said:

Honorable Senators seem to blend the idea of acquiring territory and admitting States and thereby produce confusion. It is insisted that we must acquire territory by treaty! Let this be so, and it does not touch the argument. For it is absolutely certain that you can not admit a State into the Union by treaty, that power being conferred alone upon Congress.

And here will be found throughout all that discussion the statement by every advocate of Texas's annexation—and I have only read from them—that the right and the authority of the United States to admit Texas were granted and delegated by the explicit phraseology of the Constitution itself; that the power to "admit new States" was not limited to the original thirteen, nor even, as Mr. Madison had said, to those in their immediate neighborhood, but that it was a grant to Congress to bring into this sisterhood another member; a grant explicitly made, and one which could not be denied in the case of Texas without imposing a limitation upon the constitutional phraseology not to be discovered in the instrument itself.

It never struck any of those great statesmen who at that time discussed this matter of momentous import that there was any other authority than that to which they referred, and from that time to this I imagine the action of the Congress has been justified by reason of that power in the Constitution. There was a powerful element holding that the power to admit new States was limited to the area described by Mr. Madison, but no one pretended to seek refuge in or under the general-welfare clause.

Again I quote from Senator Colquitt, page 254 of the same document:

The argument I have just made is based upon the supposition that by admitting Texas as a State this Government acquires the territory of Texas. I have thought proper to enforce this view because it seems impossible for some minds to conceive how Texas can become a member of the Union unless this Government does thereby acquire her territory. To my mind the distinction is manifest, and that by the resolutions from the House we acquire no territory, but leave Texas as a State, possessed of her entire domain, to dispose of as she pleases, under our Constitution, fixing only the terms by which she may become a confederate. The acquisition of territory is one thing; the admission of a State is another and totally different.

Mr. Yancey, of Alabama, on the 7th of January, 1845, page 86, same Appendix, said:

No man can doubt the constitutional power to admit Texas as a "new State." That being so, some such proposition must be united on.

Senator Woodbury, who was one of the ablest of the advocates of the annexation of Texas, said, among other things, during the same debate:

And upon what grounds, then, did the honorable Senator from Virginia say that the House, in passing these resolutions, were assuming an executive power? In adopting these resolutions, did it not leave the ratification of treaties to the Senate, as it was before? Gentlemen will say, "How can this be when the Senate refused to ratify the treaty of Texas at the last session, when the matter was referred to them?" He would explain the difference. In that case the attempt, by treaty, was not to admit Texas into this Union. No such proposition was made. We might buy one acre or a million of acres of territory by treaty, but that was not admitting her into the Union as a State. There was no proposition in that treaty to admit her into the Union as a State. He said then, when that treaty was pending, that if ever she was admitted as a State, it must be by Congress. That was what was now undertaken to be done. Do we propose to admit her as a Territory, not as a State? On the contrary, the treaty is repudiated, and we proceed to admit her as a State by this resolution.

At the last session of Congress we were acting under the grant in the Constitution given to the treaty-making power. He need not talk of that. We were now acting upon the power conferred upon Congress and not upon the treaty-making power to admit new States. Gentlemen, therefore, made nothing by saying that we refused to ratify the treaty presented to us at the last session of Congress. There was no treaty before us now. It was an entirely different subject—that of making Texas a State. It was different in substance as well as in form. Now the attempt is made to deny to Congress this express grant.

* * * Mr. Woodbury, in continuation, remarked that the question discussed in those letters was the acquisition of territory; the question of the admission of new States did not arise till nine years afterwards. Mr. Jefferson was not, like Mr. Nicholas or Mr. Madison, a member of the convention, and therefore not so well acquainted with the grounds of argument which had prevailed in it. But even if the inference drawn from Mr. Jefferson's opinions were fairly deducible from them, the cases are not parallel ones. The propriety of admitting territory by treaty and new States by legislation can not be treated as the same issue. The treaty-making power and legislative power in those different cases are not in conflict.

There are many similar enunciations occurring during that discussion, and all of which tend, as far as those who took this view, to the point that under the Constitution the power is given to Congress to admit new States, and that such admission is authorized regardless of locality, but that the right to act does not include anything outside of the terms of the instrument, viz., "new States."

Mr. President, how can a joint resolution such as this be operative? What is the legislative jurisdiction of Congress? Does it extend over Hawaii? May we in this anticipatory manner reach out beyond the sea and assert our authority under a resolution of Congress within the confines of that independent nation? Where is our right, our grant of power, to do this? Where do we find it? Some assume to discover it in the supposition that there has been a cession, which has in truth never been made. Hawaii is foreign to us. We base our jurisdiction upon a falsehood desired to be made conclusive in a resolution the verity of which it is said can not be attacked, however groundless it may be. The committee in this document assert that a cession has been accomplished, because they well know that we have otherwise no power to act.

The right of Congress to admit new territory by treaty has been often considered. It puzzled Mr. Jefferson in the Louisiana case, and notwithstanding the assurances of Mr. Gallatin, he always

appeared to have doubts as to the propriety of his course. But eminent statesmen who have succeeded him, jurists who have construed the Constitution have not found any considerable difficulty.

Mr. Justice Story, in his great work upon the Constitution, has adverted to the treaty-making power, and has sought, in so far as it is pertinent to this matter, to some extent to define and explain it. I may be pardoned perhaps if I refer to Justice Story. It is becoming in this new era an improper thing to rely upon the fathers of the Republic and those who succeeded them. When one reads from Washington a smile passes over the countenances of the hopeful investors in the Philippines. Washington was of the old and nonprogressive time!

The man who to-day will pin his faith to the doctrines of those men who laid the foundations of this Republic and recorded in constitutional monuments their definitions of human rights and their ideas of the true limitations of the powers of government is becoming somewhat of a foggy. We are told that there is a new era dawning upon us; that a better time has come. Light which did not shine upon earlier statesmen illumines the understanding of to-day. No man who can pen a line and who aspires to popularity and to the advocacy of what he calls progress questions the superiority of his own attainments as contrasted with Washington, Hamilton, or Jefferson.

But, Mr. President, enough as to that now. Judge Story (2 Story on Constitution, section 1324) says:

As the General Government possesses the right to acquire territory either by conquest or by treaty, it would seem to follow as an inevitable consequence that it possesses the power to govern what it has so acquired. The territory does not when so acquired become entitled to self-government, and it is not subject to the jurisdiction of any State. It must consequently be under the dominion and jurisdiction of the Union, or it would be without any government at all. In cases of conquest the usage of the world is, if a nation is not wholly subdued, to consider the conquered territory as merely held by military occupation until its fate shall be determined by a treaty of peace; but during this intermediate period it is exclusively subject to the government of the conqueror. In cases of confirmation or cession by treaty the acquisition becomes firm and stable, and the ceded territory becomes a part of the nation to which it is annexed, either on terms stipulated in the treaty or on such as its new master shall impose, etc.

And Kent, who belongs to the same race of statesmen, not the later edition, says (1 Commentaries, thirteenth edition, page 166):

The department of the Government that is intrusted by the Constitution with the treaty-making power is competent to bind the national faith in its discretion, for the power to make treaties of peace must be coextensive with the exigencies of the nation, and necessarily involves in it that portion of the national sovereignty which has the exclusive direction of diplomatic negotiations and contracts with foreign powers. All treaties made by that power become of absolute efficacy because they are the supreme law of the land. There can be no doubt that the power competent to bind the nation by treaty may alienate the public domain and property by treaty. * * * The power that is intrusted generally and largely with authority to make valid treaties of peace can, of course, bind the nation by alienation of part of its territory.

This authority, unless repudiated, ought to set at rest the contention that territory can not be acquired by treaty.

Mr. President, when we reflect as to the lines which demark the jurisdiction of the legislature, we must confine that department to our own nation. We can not, as I said before, extend our legislative right to act without until there has been some authority by which that which is without is brought within. Whence do acts of Congress go? Upon whom do they operate? Upon the people of the United States. They have no efficacy beyond the United States except in so far as they influence the conduct of her people in certain excepted cases, and those exceptions

are more apparent than real. They are impotent to effect the title or the status of the property of those who live upon alien soil. Where, then, do we obtain the authority to annex unless by some treaty provision? As Chancellor Kent has well said in speaking of treaties:

The power to make treaties of peace—

Which he was then considering, and his remarks apply, of course, to treaties in general—

must be coextensive with the exigencies of the nation, and necessarily involves in it that portion of the national sovereignty which has the exclusive direction of diplomatic negotiations and contracts with foreign powers.

And, indeed, we have acted upon that theory. We have sought wherever we have attempted to bring foreign territory within our confines to make a treaty of peace. Does it matter that in the case which resulted in the acquisition of California and adjacent territory domain still was left to the grantor, to Mexico? If the power to alienate a part requires a treaty, shall we say that less consultation must be had when it is intended to convey all?

Reflection for but a moment must convince, it seems to me, the impartial mind that prior to the extension of our legislative jurisdiction something must happen bringing the foreign nation to us.

In the report of the Committee on Foreign Relations there is a brief reference to the decisions of the Supreme Court of the United States. In many instances jurists of not only ordinary repute but who stand in the front rank of their profession have used expressions not pertinent to the actual issue under consideration, which, when applied to other questions directly involving the matter thus incidentally treated, may not be considered strictly accurate.

These are called *obiter dicta*. They are to be encountered, I believe, in every line of authority in this country and elsewhere. Yet upon the topic concerning which I am now addressing the Senate there is but little in this regard that requires explanation or comment from me. It will be found that about the only phrase which pervades any of the opinions cited and which can be relied upon at all to justify the acquisition of foreign territory by legislative act is the declaration of the competency of Congress to acquire by treaty or conquest; the treaty being the result of a negotiation of the Executive and the Senate, the other the assertion of the war power.

Let us for a moment—the task will not, I trust, be uninteresting or tedious—consider what has been said in some of these opinions. All, I believe, save two are adverted to in the report of the Committee on Foreign Relations.

In *American, etc., Company* (1 Peters, 540), Chief Justice Marshall said, in speaking of the cession of Florida, which, as we know, was acquired by treaty:

The treaty is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens of the United States. It is unnecessary to inquire whether this is not their condition independent of stipulation. They do not, however, participate in political power; they do not share in the Government till Florida shall become a State. In the meantime Florida continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress "to make all needful rules and regulations respecting the territory or other property belonging to the United States."

In the same opinion he further said:

The Constitution confers additionally on the Government of the United States the powers of making war and of making treaties; consequently that

Government possesses the power of acquiring territory, either by conquest or by treaty.

Mr. President, is there any pretense in this case that we are about to acquire dominion over Hawaii by conquest? Arguments were made in this Chamber by many Senators some time ago having for their object the maintenance of the proposition that we had really subdued or were responsible for the subjugation of Hawaii. But that hour is past. No such decision was rendered by the Senate, and the free and independent character of the Hawaiian Government was accepted not merely by a recognition by our Executive of its ministers, but by the explicit resolution of the Senate and its declaration that no foreign government would be permitted to intervene. Indeed, the resolution was broader than that, and is somewhat significant as applicable here and as involving the then unanimous opinion of this body.

On the 31st of May, 1894, in the Journal of the Senate, page 218, of that time, the following will be found:

Resolved, That of right it belongs wholly to the people of the Hawaiian Islands to establish and maintain their own form of government and domestic policy; that the United States ought in no wise to interfere therewith; and that any intervention in the political affairs of these islands by any other government will be regarded as an act unfriendly to the United States.

There was a roll-call upon the passage of that resolution. The yeas were 55, the nays none. There is, therefore, no question here as to any right acquired by conquest. There can be no justification for the pretense that this Government, in aid of its interests in war, has seized upon hostile territory and occupied it, and holds it by that force and by that right. There is no such case here. How then, taking the language of Chief Justice Marshall cited in justification of the pending resolution, can that phraseology be tortured into an indorsement of this anomalous, this unique procedure suggested for the first time in the history of this Government? Have we acquired Hawaii by treaty? No. Against the assumption of this resolution every Senator here knows that there has been no acquisition.

Continuing the examination of the authorities relied upon and others noted elsewhere, we find in New Orleans *vs.* Armas (9 Peters, 235) that Chief Justice Marshall construed the treaty with France by which Louisiana was acquired, referring to the fact that she was admitted as a State by an act after the treaty of cession had been ratified.

Mr. President, a few moments ago I said, and it will do no harm to repeat it now, that those who discussed the Texas case pointed with unerring accuracy to the fact that there was there no cession of territory whatever, but that Congress by virtue of its power to admit new States brought in that Commonwealth as such. Here we are expected to reach out the legislative arm beyond the domain of the United States, under whose laws this Senate exists, and to assert dominion not only without our shores but beyond the confines of the Government with which we are concerned.

[At this point the PRESIDING OFFICER (Mr. GALLINGER) announced that the hour of 2 o'clock had arrived; and, by unanimous consent, the consideration of House joint resolution 259 was proceeded with.]

Mr. WHITE. Mr. President, a case much relied upon is *Fleming vs. Page* (9 Howard, 614), where the Chief Justice refers to the fact that Mexico had been conquered, and he says:

The United States, it is true, may extend its boundaries by conquest or treaty, and may demand the cession of territory as the condition of peace in

order to indemnify its citizens for the injuries they have suffered, or to reimburse the Government for the expenses of the war; but this can be done only by the treaty-making power or the legislative authority, and is not a part of the power conferred upon the President by the declaration of war.

The expression "or the legislative authority" has been frequently cited as justifying the statement that Congress had the power itself to annex foreign territory. It will be noticed, taking the phraseology all together and reading the opinion in toto, that the point under consideration was as to the war power of the Executive; and it is of some significance, in connection with recent rumors as to a supposed stretch of authority that it was said the President intended to exert, and which I have no idea he ever did intend to exert, that he can not, as the Commander in Chief of the armies of the United States, seize territory and appropriate it to the use of this nation, and therefore, a fortiori, he may not absorb by his own will the soil the territory of a friendly power.

No doubt, in pursuit of the objects outlined in a declaration of war and as the leader of the armies of this Republic, its Commander in Chief has a right to invade and to appropriate property of the enemy coming within his reach and which he may have the power to hold. He derives that authority under the war grants of the Constitution. But he has no right to seize territory without the enemy's lines. His taking of the enemy's territory is for the object and purposes of war—to accomplish peace by removing opposition. The Executive can not alone annex a State or a Territory. He can capture the foe and his property.

But, Mr. President, it will be found by a perusal of this opinion that there is nothing more in it than a statement that by conquest or treaty this Government has the right to extend its limits. In neither event can the proposed resolution be justified, however we may construe this declaration of the Chief Justice, because neither by treaty nor pursuant to conquest is the legislative authority or the treaty-making authority now invoked.

The following extract from the opinion of Justice Taney in the celebrated *Dred Scott* decision (19 Howard, 393) is relied upon as sustaining the authority of Congress to annex a Territory:

We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government, it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion. It is a question for the political department of the Government, and not the judicial; and whatever the political department of the Government shall recognize as within the limits of the United States, the judicial Department is also bound to recognize, and to administer in it the laws of the United States, so far as they apply.

It must be remembered that the question involved in that case was not whether the territory could be annexed by joint resolution or by treaty, and the phraseology of the court can only be deemed effective in so far as it holds that the political department of the Government may take in outside possessions, intending to have in view their erection into a State or States. This opinion appears to be considered of importance by many who have heretofore vigorously questioned it.

In the same decision, Judge Taney said:

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or

at a distance to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States, etc.

Evidently the author of this much controverted opinion did not anticipate the bringing in of Hawaii or the Philippines.

In *Holden vs. Joy*, in 17 Wallace, 211, Judge Clifford, in speaking for the court, said:

Express power is given to the President, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and inasmuch as the power is given in general terms, without any description of the objects intended to be embraced within its scope, it must be assumed that the framers of the Constitution intended that it should extend to all those objects which in the intercourse of nations had usually been regarded as the proper subjects of negotiation and treaty, if not inconsistent with the nature of our Government and the relation between the States and the United States.

Hence it is that under the treaty-making power as thus defined the right to acquire territory exists. Hence it is that without negotiation between this Government and the other interested government culminating in a stipulation or a treaty, there can be no accession of territory, no addition of soil.

It is not germane to this discussion to say that we can admit Hawaii as a State, because no one proposes to do so. No enthusiast here or elsewhere claims that Hawaii is ready for statehood. Every argument made upon this subject by annexationists carries with it a disclaimer that it is intended in our own time or for years and years to come to bring that region within the list of American States. Of course this claim must be made because the people of this country are not prepared, notwithstanding the declarations of the able and distinguished Senator from Alabama [Mr. MORGAN] that this is the best Government the sun has ever shone upon, to bring those many alien incompetents within our confines—that heterogeneous compound of manifest inefficiency.

In the report of the Committee on Foreign Relations attention is called to the late case of the Mormon Church *vs.* The United States (136 U. S., 42). I claim that this is an authority directly against the distinguished Senators who cite it, and that there is nothing to be found in it warranting the pretense that this joint resolution, if adopted, is constitutionally potential for the purposes attributed to it. Said the Supreme Court in that case:

The power to acquire territory other than the territory northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution) is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty and belong to all independent governments. The power to make acquisitions of territory by conquest, by treaty, and by cession is an incident of national sovereignty.

Senators all recognize and admire the great abilities of Mr. Hamilton. His participancy not only in the formation of the Constitution, but his advocacy of that great instrument and his defense of the principles upon which it was based and the form in which they were expressed have been transmitted to us and constitute a part of the choicest literature of that remarkable time. Mr. Hamilton discussed the treaty-making power with his usual force and his accustomed clearness.

I call the attention of Senators to the remarks made by this lawyer and statesman, hoping that, however little the argument then made may be reinforced by anything that I can say, his powerful reasoning will not be disregarded by those who are examining this resolution. I refer to page 503 of the seventh volume of the Works of Hamilton, from which I will very briefly quote.

The power to make laws is "the power of pronouncing authoritatively the will of the nation as to all persons and things over which it has jurisdiction;"

or it may be defined to be "the power of prescribing rules binding upon all persons and things over which the nation has jurisdiction." It acts compulsively upon all persons, whether foreigners or citizens, and upon all things within the territory of such nation, and also upon its own citizens and their property without its territory in certain cases and under certain limitations. But it can have no obligatory action whatsoever upon a foreign nation, or upon any person or thing within the jurisdiction of a foreign nation.

The power of treaty, on the other hand, is the power by agreement, convention, or compact to establish rules binding upon two or more nations, their respective citizens and property. The rule established derives its reciprocal obligation from promise, from the faith which the contracting parties pledge to each other—not from the power of either to prescribe a rule for the other. It is not here the will of a superior that commands. It is the consent of two independent parties that contract.

The means which the power of legislation employs are laws which it enacts, or rules which it enjoins. The subject upon which it acts is the nation of whom it is, the persons and property within the jurisdiction of the nation. The means which the power of treaty employs are contracts with other nations, who may or may not enter into them. The subjects upon which it acts are the nations contracting and those persons and things of each to which the contract relates. Though a treaty may effect what a law can, yet a law can not effect what a treaty does. These discriminations are obvious and decisive; and however the operation of a treaty may in some things resemble that of a law, no two ideas are more distinct than that of legislating and that of contracting.

I have cited Mr. Hamilton's view for the purpose of showing to the Senate that the statement made by me as to the jurisdiction of the legislative body over a foreign territory was not either a creation of my imagination nor in the slightest degree inaccurate. Certainly it received this distinguished sanction, and it is enforced, I think, by general reflection.

In the same article from which this extract has been read we find the following, also from Mr. Hamilton:

Laws are the acts of legislation of a particular nation for itself. Treaties are the acts of legislation of several nations for themselves jointly and reciprocally. The legislative powers of one State can not reach the cases which depend on the joint legislation of two or more States. For this resort must be had to the pacific power, or the power of treaty. This is another attitude of the subject, displaying the fallacy of the proposition that the legislative powers of Congress are exceptions to or limitations of the power of the President, with the aid of the Senate, to make treaties.

Whenever it becomes necessary to enter into any sort of a compact or agreement with a foreign power, we can not proceed by legislation to make that contract. We can violate a treaty made with a foreign power by our own legislative act in defiance of morals. There have been cases in the history of this country where the abrogation and overthrow of treaties by legislative acts have involved us in considerable diplomatic controversy; but as a legal proposition there has never been any doubt of the power of the legislative department of the Government to destroy the effect of a previous treaty. While we may thus release ourselves by our own power from its obligation in the form of law, we can not force another nation to enter into an agreement with us merely by our own act in the form of legislation. No such one-sided performance is known to either international law or to any system of jurisprudence in the world.

A treaty, I have said, is defined by many to be a contract. So accustomed have authors become to that expression that we find in the ordinary and well-accredited law dictionaries of the day a recognition of this proposition. In Anderson's Dictionary of Law the word "treaty" is defined thus:

By the general law of nations, is in the nature of a contract between two nations; not a legislative act.

A contract between two or more independent nations.

Contracts between States may be called conventions or treaties. Treaties allowed by the law of nations are unconstrained acts of independent powers, placing them under an obligation to do something which is not wrong.

Bouvier takes a similar view. He says:

Treaty. In international law. A treaty is a compact made between two or more independent nations with a view to the public welfare. Treaties are for a perpetuity or for a considerable time. Those matters which are accomplished by a single act and are at once perfected in their execution are called agreements, conventions, and pactions.

The pending resolution does violence to basic and elementary principles, and indicates to the outside world a wholesale disregard or absolute ignorance of the most fundamental, common, and usually known principles of jurisprudence.

Mr. President, if it be true as stated in this decision that the authority to acquire territory is derived from the treaty-making power, and the power to declare and carry on war, where do we find the right to annex these peaceful islands of the sea? Where is the grant, where is the authority for which Senators contend? When we speak of the power to do this, that, or the other thing in pursuance of the right to declare war, we are alluding to a condition of affairs which makes it necessary to strike down our foe. When we talk about the jurisdiction of this Government in days of peace when dealing with nations with whom it is friendly, a different condition surrounds us.

It is not with the sword, it is not with weapons of destruction, that we are approaching the Hawaiian Republic, but it is the subtle negotiator of peace and ostensible good will who longs to fasten Hawaii upon this Union. It is by diplomacy that we are solicited to bring her to us. It is by an instrument executed by plenipotentiaries from both Governments and awaiting our ratification that we are expected to bring that nation here, and it is by that means alone that Hawaii herself contemplated annexation, for in her organic law—and I refer to the thirty-second article of her constitution, as follows:

ARTICLE 32.—TREATIES.

The President, with the approval of the cabinet, shall have the power to make treaties with foreign governments, subject to the ratification of the Senate.

The President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

THE HAWAIIAN CONSTITUTION DOES NOT PERMIT ANNEXATION BY JOINT RESOLUTION.

Mr. President, here in this so-called constitution of this so-called Republic, which by this so-called resolution of annexation is to be made a part of the American Union, as a Territory or a dependency, we find phraseology directly conferring the authority upon President Dole and the Senate to make a treaty of political or commercial union with the United States.

Under the expression "political union" the negotiation of the treaty which we had before us was sought to be justified. It was well known by the able and shrewd men who have had this annexation scheme under control that the power of Mr. Dole and of his cabinet and his Senate to deed away their country would be denied. We, claiming to be a Government of limited powers and to derive our authority from a Constitution granting either directly or by implication whatsoever authority we may have, were not expected to sanction or approve of a treaty destined to destroy a nationality unless in the instrument under which that nationality claimed to act there was plainly conferred authority to make that great cession. Therefore it was that in the Hawaiian constitution there was inserted the thirty-second article, giving juris-

diction to make treaties, as therein stated, of political as well as commercial union.

Mr. President, it was thus recognized, not only here but in Hawaii, that by treaty alone could this deed be done. The necessity of two parties, each *sui juris*, to concur in formulating a valid contract certainly is no less obvious in the case of two nations than in that of individuals, and in recognition of this commonly known truth the people of Hawaii, if they spoke at all, limited the method of alienation in their organic instrument. They limited it in the terms and language to which I have adverted, and we accepted that limitation when our President negotiated a treaty, which is slumbering in the desk of the Secretary.

Hence, from the outset it has been apparent not only to the people of the Hawaiian Islands, but to the people of the United States, that the circumstances are such as to require a treaty, not only because of the difficulties of the situation so far as we are concerned, but because there was no power in the Hawaiian Government to deal with the subject-matter otherwise than by treaty. Are we to ignore not only the lessons of our own history, not only the precedents which have been written through years of study and careful thought, but are we to take at this moment a nation within our bosom which, by its own organic law, has declared that its alienation shall be accomplished in a certain definite, defined, and restricted method, which method has been ignored.

Do we care, I ask again, Mr. President, anything not only for the proprieties of the case, but for the rules prescribed in our own laws and in those of the country which we design to absorb? Are we disposed to play the rôle of the freebooter, or are we inclined to act according to law?

HAWAII NOT THE ONLY ISSUE—ACQUISITIONS BY CONQUEST DESIRED BY ANNEXATIONISTS—THE AMERICAN FLAG.

Mr. President, it is not merely the Hawaiian group which is involved in this disputation. Some suppose that the issue is thus limited. By no means. True, that object, and that alone, can be directly and at once accomplished; but there are other issues tied to this. I have heard it said here and elsewhere, and I have read it in this and that newspaper, that Hawaiian annexation must be considered alone; that its effect upon other questions is not proper for debate. On the other hand, almost each hour of the day the advocates of this annexation make use of expressions resembling this: "When once the American flag is raised anywhere, there it must forever float."

Mr. President, the American flag we revere and honor because it is not only the flag of our country, but because we believe that the Government which it represents is based and acts upon principles of honor, upon maxims and policies which will stand the scrutiny of ages and remain untarnished and unquestioned when the strongest of us shall be summoned hence, when tyranny shall be driven from the earth.

Whether that flag should float or should be taken down depends upon whether it was raised in justice and maintained in righteousness. If miscreant schemer shall place it where it should not be placed; if the hand of the invader and spoliator shall seize it, and under it conduct a campaign of disorder and rapine, of oppression and robbery, it will not be for the honor of this Republic or the glory of that flag that it shall continue to wave over such an accomplishment. Nay, that man is a patriot who will take it from the hand which held it for disgrace, who will return it to

its true home, where it may float as the representative of progress and freedom; who will visit prompt and adequate penalty upon him who has insulted the emblem of a virtuous and Christian people.

When our banner rises over soil where it ought to wave, let it be maintained and defended if it requires all the strength, all the money, and all the blood of our land. But it must not be used for evil. So to do is to desecrate it.

Mr. President, do our friends who speak thus of the continued support of our flag wherever and for whatsoever raised remember that when Mr. Foster communicated with Mr. Stevens, the Hawaiian minister, on the 14th of February, 1893—and we know that Mr. Foster was an ardent annexationist; and we know that Mr. Stevens was an annexationist of annexationists; and we know that the Administration then in authority sympathized with the idea of annexation—do Senators remember that when Mr. Foster communicated to Mr. Stevens, after the coup d'état which resulted in the change of authority, he said:

So far as your course accords to the de facto sovereign Government the material cooperation of the United States for the maintenance of good order and protection of life and property from apprehended disorders, it is commended; but so far as it may appear to overstep that limit by setting the authority of the United States above that of the Hawaiian Government in the capacity of protector, or to impair the independent sovereignty of that Government by substituting the flag and power of the United States, it is disavowed.

Here, Senators, is a declaration, not of Mr. Cleveland or of Mr. Gresham, not of any of those who, succeeding the Harrison Administration, sought to overturn and negative the conduct of that Administration, but here was the declaration of Mr. Foster, in which he disavowed the action of Mr. Stevens in the phraseology which I have just read. Let us recollect that.

This is not the place, it seems to me, wherein to allude to the necessity of maintaining the flag wherever it may be hoisted. This capital ought to be near the abode of justice. I trust we are not in barbarous days. If an officer of the United States plays the part of a usurper, does his illicit conduct bind this country? The United States ought to be the last of nations to sanction crimes committed under assumed powers untruly alleged to have been lawfully bestowed.

When Senators state that they will never favor the withdrawal of our power from any locality where, in the midst of war or as the result of criminality or assumption, we may have taken possession and lifted our ensign, they make a broad assertion: and when that statement is uttered in this Chamber, when it is made in this presence, it suggests a situation that extends far beyond Hawaii and to which we had well give heed. The doctrine contended for by some is almost piratical.

Mr. President, it has been asserted by gentlemen who declare that they are opposed to the annexation of the Philippines or the Carolines or any other lands that we need the Sandwich Islands. In the next breath we find either the same advocates or those upon the same side of this issue declaring that the result of this war is to be the acquisition of a number of distant and remote countries and the presentation of new questions for our consideration. Then may we not wait in thought, not only because of the intrinsic difficulties concerning which we must decide regarding Hawaii, but because of the bearing elsewhere? I shall discuss the subject, then, not only in connection with Hawaii and not merely

with reference to the situation so far as that country is concerned, but also as to the bearing of her disposition upon other matters.

Is it not true, Senators, that intelligence and capability for wise discernment and judicial decision are necessary for the perpetuity of the Republic; that the greatest amount of intellectual development that we can evolve means advanced and desirable results? Do we not justly think that the interposition of alien and inferior races must work our injury? As we look upon the present situation and observe not only this case, but its adjuncts, and those things which must follow it, we may well hesitate and give heed to the admonitions of the past.

It has often been asserted that our policy has always been in favor of Hawaiian annexation. We are told that our ablest men have ever looked upon that island community as virtually belonging to the United States, or occupying such a status, at least, that we must finally take possession. Mr. President, I can not read history thus. It will be necessary for me to refer to several statesmen, and in as brief and terse a way as I am capable of expressing my thoughts I will mention some of the utterances of historic characters which seem to bear upon the subject. Mr. Madison said:

A second observation to be made is that the immediate object of the Federal Constitution is to secure the union of the thirteen primitive States, which we know to be practicable; and to add to them such other States as may arise in their own bosoms, or in their neighborhoods, which we can not doubt to be equally practicable. The arrangements that may be necessary for those angles and fractions of our territory which lie on our north-western frontier must be left to those whom further discoveries and experience will render more equal to the task.—*The Federalist*, Hamilton's edition, page 134.

Washington, to whom I trust I may be permitted to refer without censure, said:

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interests, guided by our justice, shall counsel. Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? * * * Taking care always to keep ourselves by suitable establishments on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.—*13 Washington's Works*, pages 317, 318.

In the same document the Father of his Country referred to the interests of Europe as being "a very remote relation."

Mr. Jefferson said in a communication addressed to the President in 1823:

I have ever deemed it fundamental for the United States never to take active part in the quarrels of Europe. Their political interests are entirely distinct from ours; their mutual dealings, their balance of power, their complicated alliances, their forms and principles of government are all foreign to ours. They are nations of eternal war. All their energies are expended in the destruction of the labor, property, and lives of their people. On our part, never had a people so favorable a chance of trying the opposite system of peace and fraternity with mankind and the direction of all our means and faculties to the purposes of improvement instead of destruction.—*7 Jefferson's Works*, page 238.

April 27, 1809, Mr. Jefferson, in writing to Mr. Madison in reference to the situation in Cuba, said in language already quoted:

It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should

ever be accepted which would require a navy to defend it.—*Jefferson's Works*, page 443; *1 Wharton's International Law*, page 557.

Secretary Frelinghuysen, in a note to Mr. Langston, dated June 20, 1883, says:

The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent. Had the tendency of the United States been to extend territorial domain beyond seas, opportunities have not been wanting to effect such a purpose, whether on the coast of Africa, in the West Indies, or in the South Pacific.

He also wrote to the same minister:

A conviction that a fixed policy, dating back to the origin of our constitutional Government, was considered to make it inexpedient to attempt territorial aggrandizement which would require maintenance by a naval force in excess of any yet provided for our national uses, has led this Government to decline territorial acquisitions. Even as simple coaling stations, such territorial acquisitions would involve responsibility beyond their utility. The United States has never deemed it needful to their national life to maintain impregnable fortresses along the world's highways of commerce.

Mr. Wharton, in referring to the purchase of Florida, states that the argument chiefly pressed by John Quincy Adams, then Secretary of State, when advocating the treaty, was one of contiguity.

Mr. Monroe stated the doctrine which bears his name, and to which I shall later advert, and in the same message in which he enunciated that remarkable proposition he said:

It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness, nor can anyone believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

And if I may be allowed to state in the shortest possible words the Monroe doctrine, it is this:

In the wars of the European powers in matters relating to themselves we have never taken any part nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected and by causes which must be obvious to all enlightened and impartial observers. * * * We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.—*2 Richardson's Messages and Documents, etc.*, page 218; *1 Wharton's International Law*, page 273.

Mr. President, in the mad race of conquest which appears to be upon us in the effort to acquire dominion, and this assertion of what is called "the new doctrine" by lately developed statesmen there is much involved. Let us halt a moment; let us reflect a minute upon this doctrine of Monroe. It is idle for Senators to say that there is no issue involved regarding foreign acquisition, especially in the face of the contention urged here within the last twenty-four hours. It is idle in the face of the general argument quite commonly urged by those who favor annexation that we must extend our dominion all over the world.

Where is the strength and where is the power of the Monroe

doctrine? We have declared that on this hemisphere we desired no further interference by European powers, while we explicitly disclaimed any intention of interfering with those powers in their then possessions here. Plainly it was in the contemplation of Mr. Monroe and those who acted with him that there was no intention, no design, to assault or question the possessions of other nations outside of this hemisphere. Yet it is common knowledge this moment that the doctrine of Monroe, like the Farewell Address of Washington, is, in the annexation view, ancient, effete, out of date, can not meet the exigencies of the times, and does not supply the statesmanship of the nineteenth century.

Mr. President, this is not a deliberate sentiment. Much of it follows from unfortunate conditions antagonistic to proper examination. Not long ago, in the presence of a threatened war, a large majority of the Senate recorded their adhesion to resolutions worded as follows:

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth—

I call the attention of the Senate to this statement—

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Yet, Mr. President, men high in public station, and not strangers to this presence, have not hesitated to aver that these war resolutions are meaningless and that we must proceed to take possession of the enemy's territory as conquerors.

Are we prepared to overturn the precedents written in our country's history up to the date of the passage of the resolution—April 20, 1898? It can not be successfully disputed that the annexation of Hawaii will constitute the entering wedge for an imperialistic policy as foreign to the purposes and views entertained when this Government was organized as are the objects and theories of the most despotic government upon the earth strangers to our system.

I have called attention not only to the radical nature of this change, but to its suddenness. How, then, can it be considered inappropriate to dwell with care upon this threatened change? Do we know so much more than those who have gone before us? We have electric lights, perhaps, where earlier Americans used tallow candles, and many of those productions and conveniences which we are wont to call the blessings of life are around us in rich profusion; but in all that involves deep reflection upon the rights of humanity, upon the theories of free government with

reference to all of the temptations, the passions of life, the failings and shortcomings of men, concerning the propriety of constitutional limitations and a clear demarking of power there is little to be gained. Our so-called wisdom has come to us from the past.

The philosophers of antiquity wrote lessons which we read to-day with profit, and to which succeeding ages and students have contributed but little. The men who fashioned our system did not do so in moments of passion, in an insane race for wealth, for territory, for acquisition. They were not forming any corporations or syndicates to control franchises or to usurp popular rights; they were not planning to introduce an alien race that they might bring down the price of labor, or to interject new theories into a social system evolved from patient toil. They moved forward without doubt, convinced of their personal rectitude and careless of punishment for the doing of duty.

They knew their grievances. Their knowledge was accurate; their information thorough. Modern juveniles in statecraft are babies at their shrines. They risked their all to rid themselves of encroachment; they knew evils from which their efforts have absolved us. The perils into which we are in danger of plunging were sought to be avoided in their governmental plan. They had studied the problems of self-control, and brought to bear upon this intricacy intellects as reliable surely as any here; and if they were not disinterested, their interest was for the people, with whom they stood, of whom they were, and for the Republic with whose destinies their lives, their properties, and their sacred honors were inseparably linked.

Before we divorce ourselves from these alliances and enter upon new, and for us untried, fields let us reflect. "Untried fields" for us, I have said, but not "untried fields" elsewhere. The story of man is polluted with the stains of the arrogance of those who rose to power by virtue and frugality and descended to vice from that weakness which has existed from Adam to this instant and is blended with humanity. The rewards of patient honesty are many, and after they have been reaped how often in every generation has man's folly compassed his fall. The brilliant, the remorseless tyrant was once perhaps solicitous for moderate competency. The prosperous have often yielded to temptation. The Fourth of July approaches. Are we to speak of love of man, of the rights of man, or of title derived from the sword? These are old subjects. From generation to generation they throng history.

I will resume the citation of authority.

Mr. Webster has been often cited as favoring the annexation of the Hawaiian Islands. The authority of Mr. Webster is directly the other way. In the sixth volume of his works, pages 463-464, we find the following:

It can not but be in conformity with the interest and wishes of the Government and the people of the United States that this community, thus existing in the midst of a vast expanse of ocean, should be respected and all its rights strictly and conscientiously regarded, and this must also be the true interest of all other commercial states.

Far remote from the dominions of European powers, its growth and prosperity as an independent State may yet be in a high degree useful to all whose trade is extended to those regions, while its near approach to this continent and the intercourse which American vessels have with it, such vessels constituting five-sixths of all which annually visit it, could not but create dissatisfaction on the part of the United States at any attempt by another power, should such attempt be threatened or feared, to take possession of the islands, colonize them, and subvert the native Government. Considering, therefore, that the United States possesses so large a share of the inter-

course with those islands, it is deemed not unfit to make the declaration that their Government seeks, nevertheless, no peculiar advantages, no exclusive control, over the Hawaiian Government, but is content with its independent existence and anxiously wishes for its security and prosperity.

Again referring to Mr. Webster, I wish to cite from a letter written by him on the 19th of December, 1842, to be found in Webster's Works, 478, in which he says:

The United States therefore are more interested in the fate of the islands and of their Government than any other nation can be; and this consideration induces the President to be quite willing to declare as the sense of the Government of the United States that the Government of the Sandwich Islands ought to be respected, that no power ought either to take possession of the islands as a conquest or for purpose of colonization, and that no power ought to seek therein undue control over the existing Government or any exclusive privileges or preferences with it in matters of commerce.

There can be no stronger language than that which I have read from this distinguished statesman. He remarked that we desired no peculiar advantages, no exclusive dominancy. He said that we were content with Hawaii's independent existence, and further asseverated that no power ought to seek undue control in island affairs. He went so far as to say that there should not be any exclusive privileges or preferences as to matters of commerce.

Never did Mr. Webster write a word to indicate that he had changed his mind. Taking this doctrine, which has often been referred to by annexationists, is there any difference in the position assumed by Mr. Webster and that which is taken here by those who antagonize annexation? In 1894 we warned the world that no one should interfere. Mr. President, before I close this discussion I trust I may be able to show that all of the talk about the intervention of other powers is a mere creation of the imaginations of some who entertain the notion in good faith and many who circulate the canard for the purpose of influencing the minds of Senators and leading them to suppose that foreigners are about to absorb the entire Hawaiian group.

THE COALING BUGABOO.

Here I wish to give expression to a thought that may deserve some amplification? If there be any question as to the character of our relations with the prospective Hawaiian coaling station called Pearl Harbor, or if there be any doubt as to our title, is there any difficulty in amending and changing the present compact, if it needs any alteration, so as to remove all doubt?

Has there been any effort to do that? Has there been any attempt to cure any defect in the grant, if there is such defect? Has there been any effort to do aught else than to put the Hawaiian Islands in such a situation as to make it as nearly necessary as possible to annex them? Have not the struggles of those in authority in this Administration been to bring about annexation regardless of coaling necessities, and have not our present diplomats utterly failed to enter into any negotiations to remove the supposed difficulties of which they themselves complain regarding coal? The coal proposition, like the Presidential-seizure proposition, is a mere bugaboo jointly created by the Dole and the present American administrations.

FURTHER PRECEDENTS.

Attention is sometimes directed to Mr. Webster's letter to Mr. Rives, which, it is stated, shows a change in his opinion. It is found in 1 Wharton's International Law, page 419. He says:

The United States, true to its treaty obligations, has in no case interfered with the Hawaiian Government for the purpose of opposing the course of

its own independent conduct or of dictating to it any particular line of policy. In acknowledging the independence of the islands and of the Government established over them it was not seeking to promote any peculiar object of its own. * * * This Government still desires to see the nationality of the Hawaiian Government maintained, its independent administration of public affairs respected, and its prosperity and reputation increased.

Afterwards, in a letter forwarded by Mr. Webster, as Secretary of State, to Mr. Severance, July 14, 1851 (1 Wharton's International Law, page 420), he said:

The annunciation of this policy will not surprise the governments of Europe, nor be thought to be unreasonable by the nations of the civilized world; and that policy is that while the Government of the United States itself, faithful to its original assurance, scrupulously regards the independence of the Hawaiian Islands, it can never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor can it consent that demands, manifestly unjust and derogatory and inconsistent with a bona fide intention, shall be enforced against that Government. * * *

Mr. Legaré, who was Secretary of State in 1843, wrote to Mr. Everett (1 Wharton's International Law, page 418):

The Hawaiian Islands bear such a peculiar relation to ourselves that we might even feel justified, consistently with our own principles, in interfering by force to prevent their falling by conquest into the hands of one of the great powers of Europe.

This reference is also frequently cited, as is also that of Mr. Clayton, as Secretary of State, to Mr. Rives, dated July 5, 1850, where he declared:

We do not ourselves covet sovereignty over them [the Hawaiian Islands]. We would be content that they should remain under their present rulers, who, we believe, are disposed to be just and impartial in their dealings with all nations.

And in writing to the same minister, Mr. Webster said (June 19, 1851):

If, therefore, it should not be too late, it is hoped that you will make such representations upon the subject to the minister of foreign affairs of France as will induce that Government to desist from measures incompatible with the sovereignty and independence of the Hawaiian Islands, etc.—1 Wharton's International Law, page 419.

President Tyler, in speaking of the Texas case, said:

The Government and people of the United States have never evinced, nor do they feel, any desire to interfere in public questions not affecting the relations existing between the States of the American Continent. * * * If annexation in any form occur, it will arise from the free and unfettered action of the people of the two countries.—4 Richardson's Messages, etc., page 326.

Mr. Fillmore, in his second annual message, December 1, 1851 (5 Richardson's Messages, etc., page 120), says:

It is earnestly to be hoped that the differences which have for some time past been pending between the Government of the French Republic and that of the Sandwich Islands may be peaceably and durably adjusted so as to secure the independence of those islands. * * *

Mr. Fillmore continues, in explanation of the interest which this Government has in the Hawaiian group, and proceeds:

We were also influenced by a desire that those islands should not pass under the control of any other great maritime state, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations.

Here again it is manifest that our policy was not annexation; that the only end and main object we had in view was absolute independence, not only for our own benefit, but because we deemed that the commerce of all nations was entitled to look upon the Government of Hawaii as absolutely free, unfettered, and independent.

President Taylor took up the same question in his first annual

message, December 4, 1849 (5 Richardson's Messages, etc., page 17). He said:

We desire that the islands may maintain their independence and that other nations should concur with us in this sentiment. We could in no event be indifferent to their passing under the dominion of any other power. The principal commercial states have in this a common interest, and it is to be hoped that no one of them will attempt to interpose obstacles to the entire independence of the islands.

Here again it is plain that the Executives of whom I have made mention and the Secretaries of State whom I have quoted and the other statesmen upon whose words I have sought to comment claimed, asserted, and demanded that there should be no interposition by any other power, and that the Hawaiian Islands must remain free and independent, enjoying their liberties not only for their own benefit, but for the advantage of commerce. Our wishes in this regard have ever been conclusive on the world.

We announced through President Fillmore that we were not seeking to augment our territory, but merely demanded that others like ourselves should keep their hands off. The idea of the acquisition of territory by conquest and the forcible introduction into this Republic of other races was a stranger to the state papers of the United States and to the proceedings of Congress until within a very few days. Yet those of us who object to the committal of the United States to the monstrous fallacy now enthusiastically advocated here are denounced in unmeasured terms—not however by persons familiar with their country or her system, but by those who are happy because of ignorance of their own peculiarities.

NO FOREIGN INTERFERENCE—ENGLAND, FRANCE, JAPAN.

It is of interest in this connection to note that although there has been unauthorized interference with Hawaii on the part of English and French officers, both of those nations disavowed the misconduct, and this disavowal was couched in the most positive and satisfactory terms.

Mr. President, without perhaps intending that it should be so, the Committee on Foreign Relations in their report have referred to the attempt of other nations to obtain possession of the Hawaiian Islands, and we have had more than one statement not only of present perils but of dangers which in times bygone encompassed those islands. A consultation of the record is conclusive that while there was, as I have said, momentary trouble, and while there was intrusion, there was never any justification by the parent government either in the case of England or in the case of France, and both of these great nations, in the solemn form of a treaty, absolved themselves from such intention.

Mr. Fox, in a letter to Mr. Upshur, dated June 25, 1843, said:

I am directed by the Earl of Aberdeen to state to you, for the information of the Government of the United States, that the occupation of the Sandwich Islands was an act entirely unauthorized by Her Majesty's Government, and that with the least practicable delay due inquiry will be made into the proceedings which led to it.—*Foreign Relations of the United States, Appendix 2, Affairs in Hawaii*, page 115.

Mr. Upshur, in another communication to Mr. Fox, of date July 5, 1843, says:

Seeking to establish no undue advantages in the Sandwich Islands for citizens of the United States at the expense of other powers, the President receives with much pleasure the assurance contained in Mr. Fox's note that none such are sought for Great Britain, etc. (Page 117.)

Here, Mr. President, observe the peculiarity of this phraseology. Our Government, in noting with pleasure the disclaimer of the

Earl of Aberdeen, proceeded to avow that we did not seek to assert any undue advantage in the Hawaiian Islands. Is this an annexation claim?

Mr. Rives, in writing to Mr. Webster, October 30, 1851, from Paris, referred to a call made by him upon the representative of the French Government, in which the latter stated—

That the French Government had never had the slightest intention of pursuing any measures toward the Sandwich Islands inconsistent with a just respect of their independence; that, after the receipt of the letter I had addressed to the minister of foreign affairs in July last, Monsieur de Sartiges had been instructed to give you the fullest and most formal assurances to that effect. * * * He alluded also to the circumstance that the United States had been invited to become a party to the convention concluded between France and England in 1843 for mutually respecting the independence of the Sandwich Islands, but the invitation had been declined, a circumstance which, he thought, should protect France from the suspicion of having improper designs upon the independence of the islands.—*Idem*, page 105.

As further evidencing the disposition of France and England to let Hawaii alone, those Governments, upon the refusal of the United States to enter into any joint declaration regarding the matter, concluded an agreement between themselves on the 28th of November, 1843, whereby it was announced that—

Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty, the King of the French, taking into consideration the existence in the Sandwich Islands of a Government capable of providing for the regularity of its relations with foreign nations, have thought it right to engage reciprocally to consider the Sandwich Islands as an independent State and never to take possession, either directly or under a title of protectorate, or under any other form, of any part of the territory of which they are composed.—*Foreign Relations*, Appendix 2, page 61, 1891.

Now, Mr. President, here is an explicit and never disavowed compact, entered into in the broad light of civilization by these two great nations, whereby they explicitly and in direct terms declare that they will not interfere with Hawaii, and here are the communications, which I have repeated, by which the proper representatives most satisfactorily denied any responsibility for the acts of those who attempted to meddle with Hawaii.

The views of Mr. Marcy upon annexation have been often relied on by those who favor that consummation, and it may not be amiss to quote briefly from them. In a letter written by him to Mr. Gregg December 22, 1853, he says:

While we do not intend to attempt the exercise of any exclusive control over them [the Hawaiian Islands], we are resolved that no other power or state will exact any political or commercial privileges from them which we are not permitted to enjoy, far less to establish any protectorate over them.—*1 Whar. Int. Law*, 421.

On the 16th day of December, 1853, he wrote to Mr. Mason thus:

It seems to be inevitable that they [the Hawaiian Islands] must come under the control of this Government, and it would be but reasonable and fair that these powers [England and France] should acquiesce in such a disposition of them, provided the transference was effected by fair means.—*1 Whar. Int. Law*, 422; Appendix 2, page 106.

Later on, April 4, 1854, he says, in a letter to Mr. Gregg:

It was foreseen that at some period not far distant such a change would take place and the Hawaiian Islands would come under the protectorate of or be transferred to some foreign power. You were informed that it was not the policy of the United States to accelerate such a change; but if in the course of events it became unavoidable, this Government would much prefer to acquire the sovereignty of these islands for the United States rather than to see it transferred to any other power.—*Foreign Relations United States* Appendix 2, page 121.

At the date referred to it was feared that foreign intervention would certainly occur, and the situation was regarded as ex-

tremely exigent. It is somewhat amusing to note that Mr. Gregg stated that—

A flood of emigration would pour in from California the moment our flag was raised, sufficient to put a check upon all future British and French pretensions.—*Foreign Relations United States*, Appendix 2, page 125.

Mr. President, there is nothing to prevent a "flood of emigration" going to the islands now if they are really so desirable. They have a Government, we are told (I confess I doubt the statement), which is an admirable one, which is administered upon all the broad lines of freedom and right, and yet there is no remarkable emigration, for reasons which can be very readily surmised.

In the first place, it will not be difficult to show that the population now contained in the Hawaiian Islands subsist not in consequence of any of that sort of employment, either agricultural or otherwise, which is inviting to the labor interests of the United States; that sugar and coffee and other productions are raised because of the character of labor, the cheapness of the labor, and the necessity for the employment of low-priced people.

Mr. Gregg, on September 15, 1854, in writing to Mr. Marcy, states that he "insisted upon the immediate signature of the treaty." (Republished in *Foreign Relations United States*, Appendix 2, page 136, 1894.)

On the same page Mr. Gregg, who seems to have in some respects resembled the late Mr. Stevens, remarked:

The moment our flag was raised a flood of immigration from California would pour in, sufficient, at least, to make the islands thoroughly American and to secure an equitable and fair arrangement if the terms of the present treaty are deemed unsatisfactory.—*Idem*.

The proposed treaty with the King of the Sandwich Islands commenced with the recital:

His Majesty the King of the Hawaiian Islands, being convinced that plans have been and still are on foot hostile to his sovereignty and to the peace of his kingdom, which His Majesty is without power to resist, etc.—*Foreign Relations United States*, Appendix 2, page 127.

Article 2 of this proposed treaty declares that the kingdom shall be incorporated into the American Union as a State, etc. (*Idem*.).

The proposed treaty was never ratified. Kamehameha III died on December 15, 1854.

Mr. Gregg, on the 29th of December, 1854, in a letter to Mr. Marcy, stated:

From information which has recently come to my knowledge, I am inclined to entertain the opinion that the present head of the Government will be disposed to preserve, if possible, the separate independence of the Hawaiian Islands.—*Idem*, page 132.

At this point it may be well to reflect that Kamehameha III was obviously induced to make the proposition to resign his crown because of his fear of foreign attack. His son and successor did not seem disposed to do so.

All of these years, Mr. President, have come and gone, and no attack has been made. There has never been a moment from that day to this when there has been any intrusion which has had behind it the sanction of any government on earth. There has never been a time in the history of the Hawaiian Islands when they were as absolutely safe from the interference of any power as they are at this moment. No one wants them; no one threatens them. They are free from all dangers—more secure than ever.

In this connection I call the attention of the Senate to a statement contained in the report of the Committee on Foreign Relations,

with which I have no doubt Senators are familiar. Referring to the condition of our relations with Japan, I have never thought that the views of the distinguished members of that committee upon this subject have had any support in reason, and the publication before the world of that report, with its ill-founded reference to Japan, brought out a protest, of which, I think, I have a copy, which I believe to be accurate, and as I deem it exceedingly important in this connection, I will ask that it be read at the desk.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read it.

The Secretary read as follows:

On the 16th of last March Hon. C. K. DAVIS introduced a joint resolution, from the Committee on Foreign Relations of the Senate, providing for the annexation of Hawaii to the United States, and submitted in support of the resolution a report signed by seven members of the committee. This report disclosed the fact that the gentlemen who signed it have conceived certain serious misapprehensions regarding Japan's attitude toward Hawaii. The following extracts will serve as illustrations of this statement:

"Japan," says the report, "has openly protested against the annexation of Hawaii to the United States upon grounds which indicate an unjust suspicion of our national honor in our future dealing with her subjects in those islands. The blunt refusal of the President to consider this protest caused Japan to make a formal withdrawal of it," etc.

The members of the Committee on Foreign Relations must, as a matter of course, be familiar with all the details of the correspondence which passed between the United States and Japan in regard to the annexation of Hawaii. Bearing this in mind, it is surprising to find in their report such a statement as that above quoted. The reasons underlying Japan's protest were fully and frankly stated in the correspondence, but nothing was said in that connection which bore even the faintest semblance of suspicion of the good faith or the good will of the United States. On the contrary, all the representations made on behalf of Japan were carefully guarded by assurances of complete confidence in the friendly intentions of the United States, and those assurances were cordially reciprocated.

But from the Japanese standpoint the friendship of the two countries, however close and cordial, could not be regarded as the factor which would decide the effects of annexation upon the interests of Japan. The question was one of fact and not of sentiment; and the result was notably dependent upon the circumstance that the situation which had been created in Hawaii by the treaties between that country and Japan, and by the laws in force, must necessarily be changed by the application of United States laws. Of those laws in themselves, Japan had no complaint to make; her relations with the United States are harmoniously conducted under them. Her objection was based upon the injurious effects which her Government believed the sudden and in some measure unexpected change in existing conditions in Hawaii would have upon her interests and the interests of her people in the islands.

The United States did not agree with this view, but the discussion was conducted in a spirit of frank friendliness which gave no cause for offense and left no semblance of bad feeling on either side. Therefore the statement that Japan was actuated by an "unjust suspicion" of American national honor finds no warrant in what actually occurred, and does grave injustice, moreover, to a nation which has always maintained unusually cordial relations with the United States. To add also that the President's refusal to consider the respectful protest of a friendly Government was "blunt" implies a lack of ordinary courtesy which happily the facts of the case do not confirm.

The cause assigned by the report for Japan's protest is, in effect, the hope ascribed to the Government of Japan that the Japanese in Hawaii will gain control of affairs there by means of an indiscriminate use of the electoral franchise. Alluding to the protest, the report proceeds to state that "this diplomatic intervention can not be dissociated from its real predicate, which is the demand made by Japan upon the Republic of Hawaii, which has not been withdrawn, that her subjects in Hawaii shall have equal privileges with the natives in voting at elections and in holding offices." And, in another place, "The immigrants from Japan retain their allegiance to that Empire, and yet they claim full political rights in Hawaii, notwithstanding their alienage. In this demand they have the undisguised encouragement of the Japanese Government. These privileges are demanded as rights."

These statements are based upon a complete misapprehension of the facts. Several years ago there was some discussion between the Japanese and the Hawaiian Governments concerning the exercise of the electoral franchise by Japanese in Hawaii, but no demand was ever made on behalf of Japan that

her people should enjoy any other or greater privileges in this regard than were accorded to aliens in general under the constitution and laws of Hawaii. The Japanese Government never hesitated to admit that everything which that constitution and those laws established as a condition precedent to the assumption of Hawaiian citizenship by other aliens was of necessity binding upon Japanese subjects. All that it asked was equality before the law; all that it protested against was discrimination.

The correspondence on the subject clearly shows that from Japan's point of view the matter was important only in so far as it involved a question of principle. In no manner did it imply the hope or expectation that Japanese subjects would gain control of Hawaiian political affairs. That charge has been made before and has been proved to be baseless. At best it rests upon a mere surmise, which finds no support either in the actions of Japan or in the course of affairs in Hawaii. So far from having been the pivotal motive of the protest against annexation, as the report of the committee would seem to indicate, the official explanation of that protest shows that it had no place among the considerations urged by Japan.

The report further states that "of these subjects of Japan in Hawaii the larger number were soldiers in the war with China, and are still subject to the military orders of the Emperor." This is a mistake. Possibly some of these Japanese served as soldiers in the war with China, but the majority of them could not have done so. Even if the statement were correct, however, it is difficult to see what bearing it can have upon the Hawaiian situation. In Japan, as in some European countries, there is a general conscription law under which every able-bodied male, not exempt for causes defined by the law, must serve at some time or another in the army.

But after such service the conscript ceases to be a soldier and returns to the pursuits of civil life. Some of the advocates of annexation, without taking this fact into consideration, have gone so far as to allege that the Japanese Government was flooding the islands with soldiers in the peaceful guise of laborers. The absurdity of this statement has been demonstrated, among others, by no less a person than President Dole. In two interviews published by authority during his recent visit to this country he stated that the Japanese immigrants were not soldiers; that some of them had doubtless served in the army under the conscription law of Japan, but that this circumstance did not occasion any anxiety in Hawaii.

Commenting upon the pending controversy between Japan and Hawaii concerning immigration, the report makes the following statement:

"Almost the entire number of Japanese in Hawaii are coolies, who were brought there under the authority of the two Governments, and were to return to Japan at the end of their term of service. They claim the right to remain in Hawaii under a general treaty which applied only to such persons as came for temporary or permanent residence as voluntary immigrants. This claim is disputed by Hawaii and there is still trouble over it. Under such circumstances the presence and constant inflow of Japanese in great number is an evil which threatens the native people with the loss of their means of living and the whole country with the overflow of paganism. It also threatens the overthrow of the Republic and the destruction of the lives and property of the Republicans through an insurrection or combination of the lower classes of natives, who are for the most part adherents of royalty and are under the control of the kahunas, who are sorcerers, with the Japanese."

The Japanese immigrants, to whom reference is made in this paragraph, are those who emigrate to Hawaii under the stipulations of the convention of 1886. The Hon. Henry E. Cooper, Hawaiian minister for foreign affairs, in his report to President Dole for the biennial period ending December 31, 1897, describes the negotiations which led to the conclusion of that convention. As he correctly states, their inception was due to the efforts of the Hawaiian Government to secure labor from Japan. "The experience of those who had to deal with the labor problem at that time" (1883), he says, "was to the effect that the large preponderance of Chinese on the plantations would likely prove a disturbing element. In order to offset this, it was thought wise to secure laborers from Japan. Negotiations were accordingly opened, which resulted in the signing of the convention in 1886."

The negotiations, it will be perceived, extended over three years. This was due to the fact that the Japanese Government was reluctant to permit anything like "co-lie" emigration. The convention was especially framed to overcome this difficulty, care being taken to safeguard the welfare of the emigrants and to remove from the whole project the odium which justly attaches to that form of semiservile labor. The emigrants were, as a rule, small farmers and agricultural laborers, selected from among those who freely volunteered to go to Hawaii. After arriving in that country they were in some sense the wards of the Government, their status being distinctly different from that of contract laborers brought to the islands under private auspices. Nor did their residence in the islands necessarily terminate with the fulfillment of their contracts. They were free to renew those contracts, to return home, or to remain, as some have done, without contracts.

There has never been any dispute between the two Governments on any of these points, and there is at present no "trouble" concerning them. On the contrary, the Hawaiian planters are anxious to have these people remain when their contracts expire, and the Hawaiian Government has never offered any objection to their doing so. The pending controversy between the two Governments regarding immigration involves an entirely different question. As far back as 1893, when the question of annexation was first mooted, the Hawaiian Government began casting about for means of obtaining labor for the sugar plantations under a system not involving labor contracts, which, it was thought, were prejudicial to the success of annexation.

Various plans were proposed, and some experiments were tried, among others the importation of Portuguese. But none of these quite met the demands of the situation, and consequently, with the apparent approval of the Government, voluntary immigration from Japan was instituted. Immigration under the convention of 1886 practically ceased thereafter, although the convention still remained in force. The voluntary immigrants supplied the demand for labor and continued freely to come, until suddenly in the spring of 1887, without previous notice of any kind, several shiploads of these people, 1,174 persons in all, were denied the right of landing in Hawaii and were compelled to return to Japan under circumstances which subjected them to grave hardship.

It was to this action that the Japanese Government took exception, and this alone caused the claim for indemnification which is still pending. In this connection it is interesting to note that although one of the reasons for the expulsion of these voluntary immigrants was the openly expressed apprehension that the islands would be flooded with Japanese, for whose labor there was no demand and whose presence was deemed detrimental to the best interests of Hawaii, since then more than 2,000 laborers have been brought there under the convention, with the express sanction of the Hawaiian Government.

While on this branch of the subject it is in place to note that the committee asserts in another part of the report that the United States owes to Americans in Hawaii and to the native population "the duty of rescuing them from the silent but rapid invasion of the pagan races from Asia," which "is concerted and is far more dangerous to Hawaii than if it came on ships of war for the avowed purpose of subjugating the Hawaiian Islands," being "the stealthy approach of a 'destruction that wasteth at noonday.'"

Aside from rhetorical purpose, it is difficult to determine precisely what meaning these statements are intended to convey. Surely not that the Japanese Government is craftily plotting the overthrow of the Hawaiian Government by a "concerted" movement of its people upon the islands. Aside from the inherent improbability of such a proposition, the facts of the case warrant a very different and a much more reasonable conclusion. The great majority of the Japanese in Hawaii have gone there solely in response to the demand for their services. They have gone because Hawaiian employers needed them and because the Hawaiian Government recognized the necessity of their presence.

If the native population of Hawaii had sufficed for the purposes of the planters and other employers, there would be very few Japanese in the islands. It can not be successfully maintained, therefore, that their presence has interfered with the prosperity or the welfare of the natives. On the other hand, it can easily be demonstrated that their labor in the past has aided materially in the development of Hawaiian resources and has added largely to American wealth in the islands. In like manner it can be proved that without that labor in the future, or some substitute which has not yet been discovered, the continued prosperity of the agricultural interests of Hawaii is problematical.

It can also be safely asserted that the Japanese people in Hawaii are industrious and law abiding, and that they will compare favorably with persons from the like condition of life in other countries. President Dole stated this to be the fact in the interviews already alluded to, and other intelligent and influential residents of the islands have expressed the same opinion, and yet the committee alleges that they "are not trustworthy as laborers nor honest in their dealings with merchants." Mr. Thurston, on the other hand, in the document which the committee appends to its report, asserts that "individually the Chinese and Japanese in Hawaii are industrious, peaceable citizens." This latter, it may be said without fear of successful contradiction, will be found to be the consensus of authoritative, well-informed opinion on the subject.

Throughout the report under review the thought, already noticed, appears first in one form and then in another, that there is danger to Hawaii from an uprising among the Japanese, through concerted design, instigated and supported, it is openly hinted, by Japanese authority. Without pausing to comment upon the undeserved stigma thus cast upon the honor and good faith of the Japanese Government, it may be asserted most emphatically that there is nothing either in past or in current events in Hawaii to justify

such a belief. During all the troubles which occurred when the monarchy was overthrown, and during all the vicissitudes which beset the new Government, the Japanese in Hawaii made no hostile demonstration and gave no trouble of any kind whatever.

Subsequently they pursued the same course, even at a time when the Hawaiian Government appeared to be treating a number of their countrymen with unmerited harshness. At no time has there been anything like a sign of union between them and the lower order of Hawaiian natives, such as the Committee on Foreign Relations refer to, and at no time have they given the slightest pretext for apprehension. They have shown no wish, as the committee states, "to participate in government," nor are they in any wise under the control or direction of "managers set over them in authority by the Government agents in Japan." There are no such managers, unless overseers are meant, and these are appointed by the employers.

The committee makes another grave error when it asserts that "the policy of Japan toward Hawaii will become aggressive and determined so soon as the United States refuses to annex the islands, and makes the return to monarchy possible." This statement embodies a charge which the Japanese Government some time ago took occasion to refute in the most authoritative manner. In the correspondence concerning annexation the Japanese minister made the following statement regarding a similar assertion:

"With reference to the mischievous suggestion or report, which has been so industriously circulated in this country and elsewhere, that Japan has designs against the integrity or sovereignty of Hawaii, I am further instructed by the Imperial Government to state most emphatically and unequivocally that Japan has not now and never had such designs or designs of any kind whatever against Hawaii."

In response to this declaration the Secretary of State made the following reply:

"So far as you [the Japanese minister] take occasion to deny what you aptly call 'the mischievous suggestion or report' that Japan has designs against the integrity or sovereignty of Hawaii, I am glad to assure you that such denial was entirely unnecessary, inasmuch as this Government has not doubted and can not for an instant doubt the sincerity and friendliness of Japan in all that concerns her relation to the United States and the Hawaiian Islands."

These extracts form only a part of the assurances which were exchanged between the two Governments on this point. They utterly preclude the idea that Japan will ever adopt anything like an "aggressive" policy toward Hawaii, since the adoption of such a policy would be tantamount to a species of bad faith of which Japan has never been guilty. The statement of the Committee on Foreign Relations is, therefore, wholly conjectural, and finds no justification in the past or present relations of Japan and Hawaii. As was stated in the correspondence already referred to, "Japan has absolutely no designs of any kind whatever inimical to Hawaii, and no motive in her dealing with that country except to secure by legitimate means the due observance of just obligations."

Before the reading was concluded,

Mr. MORGAN. I should like to interpolate just there in that report my protest that no foreign minister has the right to send to this Senate in any form whatever a criticism upon a report of a committee of this body.

Mr. WHITE. He has not sent it here. I have brought it here and make the criticism as my own.

Mr. MORGAN. How does the paper appear here? Is it official?

Mr. WHITE. I have presented the paper here. It has been nearly read, and I ask that the reading be continued as part of my remarks. I think that it is apposite and relevant to the statements made by the Committee on Foreign Relations, which I am challenging and criticising, as I have a right to do, and which I shall continue to do for a while.

Mr. MORGAN. I wish to ask the Senator from California if this is an official paper?

Mr. WHITE. All I have to say about it I have said about it.

Mr. MORGAN. I do not know whether it is an official paper or not. I only inquire for information.

Mr. WHITE. I have nothing to add to what I have already said, except that I wish to have the reading completed.

Mr. MORGAN. I wish to say that if it is an official paper from a foreign minister—

Mr. WHITE. It is not. I never spoke to the minister or had any communication with him.

Mr. MORGAN. If it is an official paper, it is a very serious and very outrageous assault upon this Senate and a committee of the Senate to have him send a paper here or to have it brought here in any way criticising the action of the Senate. It is clearly to deny to us the right of free speech and holding us accountable in another place for words uttered in debate or uttered in the progress of proceedings in this body. I have just noticed it, and I enter my protest against it and I wish the Senate to understand it.

The VICE-PRESIDENT. The Secretary will read the remainder of the paper. There are only four lines left.

The Secretary resumed and concluded the reading of the paper as above given.

Mr. WHITE. Mr. President, there is nothing astonishing about this paper, nor is it any infringement upon the rights of a Senator, nor calling a Senator in question, as the technical expression is used, for anything that he may have said. I am calling the members of the Foreign Relations Committee in question in so far as the logic of their report is concerned. There is nothing personal about it. I am discussing them, as I have a right to do.

Nobody has a higher regard for the attainments of every member of that great committee than have I, but I have the privilege, I presume, to differ from them in this or upon any matter. This protest is no novelty; it has been advertised all over the country for weeks, and I have availed myself of a privilege, common not only to a citizen of the United States but of the world, to present and employ it. If it is not a copy of an authentic document, the argument is good, very good; I will adopt it. I can not certify to it, and I do not propose to do so. Still I will use it.

Mr. MORGAN. If the Senator will allow me to interrupt him, I do not object to the Senator using or adopting any argument which he thinks is pertinent or relevant, or to make use of any material which he sees proper under any circumstances in debate on this floor. What I was objecting to, Mr. President, was what I consider to be the wrong of the Department of State in receiving such a paper as that from the minister of Japan, if it is an official paper, and I rose to inquire whether it was or not. I have never seen or heard of the paper before.

Mr. WHITE. I can not state to the Senator whether it was ever certified by anybody. I have been told that such a document has been presented and filed, but I do not know that it has been.

Mr. MORGAN. Filed with the Secretary of State?

Mr. WHITE. I have heard so, but I do not know; I have not seen it on file, and I have not my information from the Secretary of State. I have availed myself of public channels and utilized an argument which I think shows a great deal of sound sense.

Mr. MORGAN. I am not complaining of the Senator from California using anything he pleases in argument. What I complain of—and it is a just complaint—is that the Secretary of State should permit such a paper as that to be filed in his office as a state paper, a paper in which an open criticism is made upon the Senate of the United States and one of its committees, and in which there is imputed to them, as I caught the reading of it, ignorance, and perhaps worse—prevarication, as I understood it.

We have had here recently, within the last three or four years, several instances of very flagrant outrage upon the Senate of the United States in just such a way as this. The Senate will remember that at one time, when we were discussing here the Nicaraguan Canal bill, a foreign minister injected into this body, through the Assistant Secretary of State, a diatribe against the members of the Senate who were conducting that legislation upon a bill which had been pending before the Senate—a long argument of a very incisive, not to say unjust and outrageous, character against the bill and against the action the Senate had taken, or was proposing to take, and I had to put in then a protest against it.

Prior to that time, in a session of the Senate, there was brought into this body, through diplomatic action, the opinions of the British minister upon the question of the Bering Sea matter, in which there was an arraignment not only of the Senate and the House of Representatives but of political parties in this country, and a direct appeal from the Congress of the United States to the people of the United States, made in this state paper brought into the Senate.

I only mention, Mr. President, that we have come upon times when the other departments of this Government seem to have no regard at all for the rights of the Senate or of the House of Representatives in matters of this kind. The time was, in the days of Mr. Webster and General Jackson, and Mr. Jefferson also, that when foreign ministers undertook to make criticisms upon messages of Presidents of the United States, and also upon the proceedings in Congress, they were not only silenced for it, but they were dismissed from this court on that account.

The Senator from California is perfectly at liberty, so far as I am concerned, to use this or any other paper. My inquiry was not addressed to his right or the propriety of the Senator doing it—not in the slightest degree—but it was addressed only to the point that the Secretary of State ought not to allow a paper of that kind to find its way into the archives of the State Department as an official document.

Mr. WHITE. Mr. President, I have no right to speak for the Secretary of State. I have had no communication with the Secretary of State or any Assistant Secretary of State or any official of the State Department regarding this matter. I have not—

Mr. SPOONER. I suspect, if the Senator will permit me, that there is no very good foundation for the statement that the Secretary of State has been guilty of any indiscretion in this matter.

Mr. WHITE. I was about to say that.

Mr. SPOONER. I doubt very much the propriety—although I make the suggestion with very great reluctance and deference—of the sort of comment which the Senator from Alabama has indulged in in open session.

Mr. MORGAN. What particular part of my comment does the Senator object to? I shall be pleased to have him quote it.

Mr. SPOONER. Oh, let it go.

Mr. MORGAN. No; I will not let it go at all. I want the Senator to quote the particular part of my comment that he objects to.

Mr. SPOONER. I will have it written out.

Mr. MORGAN. No, sir; the Senator will not find it in the RECORD.

Mr. SPOONER. I thought the Senator was commenting upon the propriety of such a criticism by a foreign minister upon the report of a committee of this body.

Mr. MORGAN. That is exactly what I was commenting upon.

Mr. SPOONER. I am entitled to my opinion—which is very likely wrong—that such a comment perhaps had better be made in executive session.

Mr. MORGAN. No, Mr. President, not when the paper itself is brought out in open session of the Senate. The first time I heard it was when it was read here just now.

Mr. SPOONER. I did not know that it was read.

Mr. MORGAN. It was read here.

Mr. SPOONER. I understand it was published in a newspaper.

Mr. MORGAN. I do not know about a newspaper, whether this came from a newspaper or from the archives of the State Department, or from the Japanese legation, or where it is from; and the Senator from California [Mr. WHITE] does not inform us, and I have no right to ask him, and do not ask him. The paper is here purporting to be a statement made by a foreign minister; and being such a paper as that, I have the right to say that, however it may have gotten here, that minister has no right to make any such comment as he has made upon the proceedings in this Senate, and if he made it through the public prints or made it in a communication to the State Department, or if he made it to the Senator from California with a view of its being brought here as a criticism upon the conduct of a committee of this body, he is entirely outside of the privileges and outside of the ordinary decorum of a foreign minister, and he deserves a rebuke for it.

I for one, sir, will not let this matter rest just where it is, not because of its effect upon this case at all—not at all—but because I have the right as a Senator and a member of that committee to bring in question this abuse, as I conceive it to be a very gross one, of the privileges of a committee of this body.

Mr. SPOONER. Mr. President, I would not for a moment quarrel with the attitude of the Senator from Alabama if it is definitely determined and ascertained that this is a document which is official and has been filed with the Department of State. I do not know that that is true, and the Senator does not know that that is true. That was the entire point of my suggestion. I quite agree with the Senator that no representative of a foreign government should be permitted in open, in this way, in disregard of the conventionalities of intercourse between this Government and other governments, to criticise either of the bodies or the committees of either of the bodies. I have no question or dispute with the Senator about that.

Mr. WHITE. Mr. President, it appears that the document is not certified to—I am not in a position to say that it was ever certified to—by the Japanese minister. I stated once—but in view of the last statement of the Senator from Alabama I may be indulged in a repetition of the statement—that I am not acquainted with the minister from Japan and am not, as I should be, to any extent familiar with the legation or its members; but if I were a minister from Japan and had seen this report of the Committee on Foreign Relations I would have thought very much as that document or paper expresses itself. At all events, it is a criticism which I adopt.

Mr. President, in this same connection it is not unimportant to consider the attitude of Japan; it is entirely germane to this discussion; and, with due deference, it is my judgment that the Committee on Foreign Relations ought not to attack foreign governments unless there is some absolutely plain reason justifying such assault.

I have in my hand an article which, like the unsigned paper, I did not obtain from the office of the Secretary of State or from any other official. There is in Harper's Magazine for November, 1897, an interesting article signed by Mr. Hoshi, who I understand to be the Japanese minister. There is much of it which refers to subjects that are not pertinent to this discussion, though very entertaining from various standpoints, but there is a part of the publication which applies to the issue before us, and I wish to have the same read and made a part of my remarks.

The Secretary read as follows:

Japan is so new as a factor in the world's calculations, so little studied, and so little understood, that her motives and her actions are sometimes seriously misconstrued. This is a topic upon which I must speak with due caution, but even at the risk of seeming impropriety I can not allow the opportunity to pass of saying a word upon subjects which have lately been attracting widespread attention.

No citizen of this country should be ignorant of the fact that among the people of Japan there is a genuine and deeply rooted attachment to the United States. It is not a merely sentimental liking, but a feeling founded upon the memory of many kindnesses received. The United States has been a friend to Japan, helpful in the hour of need, considerate at all times. If there was a nation upon whose sympathy they could rely in the effort to improve their condition, and of whose appreciation they were certain in whatever successes they might gain, that nation, the Japanese people have thought, was the United States. Such being the case, the tone of many recent utterances in the American press will be to them like an angry blow from a friend.

That the American people should regard Japan as an aggressor, lustful of aggrandizement, eager to quarrel, and ready, if need be, for war, will seem to them incomprehensible. And that this clamor should have arisen because their Government, in pursuance of clear and legitimate duty, has chosen to present, in a respectful, calm, and moderate way, certain reasons why a certain thing should not be done will add to the mystery. There are jingoes in Japan, as a distinguished countryman of mine said the other day, but I have heard of none so forgetful of right, of friendship, and of interest as to make the declaration recently attributed to Japan by a prominent American journal. "Let us send a few war ships to the United States."

This is a delicate subject, I know, but I can not refrain from saying that Americans especially should appreciate the solicitude which Japan feels in the welfare of her subjects in foreign countries. The Japanese Government has never permitted the establishment of anything like a "coolie" system among her people. If they go abroad, it desires that they shall go as men, and not as numbers, and it asks and expects for them the same treatment and the same protection as are accorded to other strangers. Whatever may be said to the contrary, the Japanese are not an emigrating people; but, to provide for all contingencies, an emigration law has been enacted, carefully framed, to protect the emigrant and to prevent him from going to countries where he would not be welcome.

Japanese emigration to Hawaii involves this, among other questions. That emigration was instituted upon the solicitation of Hawaii under the strictly guarded stipulations of a special treaty. The welfare, much less the independence, of Hawaii has never been endangered by the operations of that treaty. On the contrary, Japanese immigration was zealously promoted and encouraged in the islands until political contingencies rendered another policy advisable. Japan did not seek the treaty, but her people have been induced to resort to Hawaii under the guaranties it provides, and certainly no one with any sense of justice can now blame her for endeavoring to conserve their rights.

Touching upon another, yet a cognate subject, it may be said most emphatically that the Japanese nation has no tendency toward territorial aggrandizement. Neither in the past history of the empire nor in its modern annals can there be found any trace of such a spirit. Formosa was taken from China, but that was in lieu of indemnity which it was inconvenient for China to pay; besides, the status of Formosa as an appendage of China has not always been strictly maintained. At one time the Japanese, Chinese, and Dutch simultaneously occupied different parts of the island. More recently Japan sent an expedition thither, with the consent of China, as was supposed to punish the savages for their cruelty to shipwrecked seamen.

Historically, therefore, there were close relations between Japan and Formosa. The most conclusive reason, however, in favor of the cession of the island is that by geographical position it is a natural addition to the Empire. The cession of the Liao-tung peninsula is the only other instance of the forcible acquisition of territory by Japan. The peninsula was returned

to China, and although the return excited some popular disapproval, it was not so much on account of the loss of territory as because of the manner of retrocession. I repeat, therefore, that history affords no example of greed of territorial aggrandizement on the part of Japan. It is as foreign to the genius of her people as it is to the designs of her Government. The charge that she intends, either by forcible seizure or by peaceful occupation, to acquire possession of a country thousands of miles distant and totally without the sphere of her territorial influence can therefore only be accounted for in one of two ways. It is either prompted by ignorance or by interested motives.

Japan's real ambition lies in quite another direction. In her geographical position, her natural resources, as well as in the capacity and adaptability of her people, she perceives the surest means of attaining national greatness. The watchwords of the Japan of to-day are enterprise and industry. The people have turned their attention to commerce, to manufactures, and to the arts. They realize the advantages their country possesses, and are doing what they can to utilize them. They may not yet have reached the full measure of their ambition, but they look forward hopefully to the time when Japan will be the emporium of the Orient, firmly bound to her neighbors, east and west, by the strong ties of mutual interest.

Mr. WHITE. I have called attention to these declarations for the purpose of showing the attitude taken by leading Japanese with relation to Hawaii and as containing a fair and clear expression entirely at variance with the assumed hostility which it is sought to charge upon the Japanese nation with reference to our course in the Pacific. I shall have occasion, no doubt, to call the attention of the Senate to several happenings in Hawaii bearing upon this topic and to the fact that the presence of a labor element not considered either homogeneous or desirable by our people is occasioned not by any means solely because of the will of Japan, nor because of legislation antedating the establishment of the Republic, but since then contract laborers have not only been imported, but their number has been materially augmented.

It may not be out of place to say that although when some 800 ordinary immigrants from Japan were about to be landed a dispute arose and they were excluded, nevertheless since then more than 2,000 contract laborers have been admitted by the Hawaiian board of immigration. These recent importations are far less desirable than those who have been denied entrance. Hence the Hawaiian Government—the best on earth, as we are told by annexationists—has permitted and is permitting the importation of a class against which they and their friends are ostensibly protesting.

But, Mr. President, we see that the theory upon which the great men whose views I have attempted to cite was based regarding Hawaii is not infringed upon or interfered with by anything that is happening to-day. Their constant and unalterable, continued and universal, statement was that we would not suffer the islands to pass into hostile hands, but that we were anxious for their freedom and the maintenance there of an independent government.

Senators may say that the sentiments of the Japanese Government as mentioned by me are of late date, and that that nation did formerly entertain different views. I do not think so. But, occupying her vantage ground, the American Republic contemplates all the world, and at this hour finds no people willing to dispute her oft-expressed edict that Hawaii must be free.

Those who are attempting to grant Hawaii to us find it to their interest to insist that there is danger of foreign interference. But this is not true. No proof has been adduced. Mere assertion in such a case must be unavailing to warrant important action.

Mr. President, there is scarcely a break in the line of authority

upon this subject, and the occasional expression in favor of annexation is uniformly predicated upon the fear that some other power may intervene. Never did any statesmen assert that if the Hawaiian Islands were capable of maintaining their own government, whether a republic or such other form of rule as they might elect, we should interfere.

Mr. Marcy, on January 31, 1855, made this most positive declaration. In writing to Mr. Gregg he said that the policy of the United States was—

Not to accelerate or urge on any important change in the government of that country, but if it has or should become so far enfeebled that it can not be continued, and the sovereignty of the islands must be transferred to another power, then a state of things will exist in which it will be proper for the United States to have a regard to the future condition of that country.—*Idem*, page 133.

In the same letter Mr. Marcy declares that the draft of the treaty was not satisfactory, that the President believed that strong objections to the immediate incorporation of the islands as a State existed, and that there were other objections; that the amounts to be paid as annuities, etc., were too large, and that the treaty, deviating in many particulars from the terms suggested by the United States, was not acceptable.

This about concluded the incident as far as Mr. Marcy was concerned, and while he did attempt to bring about annexation, it will be observed, whatever the fact may have been, that he professed throughout the entire negotiations that we should accept Hawaii in order to escape European domination. But the experience of forty-odd years shows conclusively that there never was any danger of foreign interference that could not be promptly checked by the declaration of the intention of the United States.

Heretofore the mere announcement of its policy through the Executive has been adequate, even though the situation looked serious. Now it is proposed to add to the warnings heretofore given a joint resolution which will manifest the views of all departments of the Government, and which will plainly notify the world that the United States does not wish this independent Government interfered with. Such a resolution is pending, having been introduced by myself.

Why such warning will not be effective now, when we are much stronger than formerly and far better able to cope with important questions, is more than I can conceive.

Mr. McBride, the representative of this Government at Honolulu in 1863, was an ardent annexationist, and the main purpose which seemed to animate him was the protection of the Americans on the islands by annexation. He represented, in addition to the other attractions which might be found on the islands, that a deputation which had been sent by the British Government to report upon the cotton-growing industry made a report which was said to be favorable; and he continues:

The cotton-growing capacity of these islands has been sufficiently tested to demonstrate it as a fact that it is not at all inferior to Alabama, Georgia, or Mississippi, either as to quality or quantity per acre.—*Foreign Relations United States*, Appendix 2, pages 135-136.

He also refers to the coffee industry, which he says is propitious.

On the 5th of February, 1864, the Secretary of State reported that an application had been made for the revival of a treaty which had been negotiated during the Administration of President Pierce, but which was not approved by the Senate. Says the Secretary:

After due consideration, however, especially in connection with the probable effect of such a measure on the public revenue at this juncture, it is not

deemed advisable further to entertain the subject.—*Foreign Relations United States*, Appendix 2, page 136.

In acknowledging the receipt of Mr. McBride's note Secretary Seward made no definite statement as to the policy of the Government. The fears of Mr. McBride regarding the British invasion turned out to be purely visionary.

Mr. McCook, under date of September 3, 1866, refers to the fact that many of the American residents have rendered themselves obnoxious to the King and his cabinet by unwarranted interference, etc., in the political affairs of the Kingdom. He also says:

Another class of Americans, the missionaries, have controlled the political affairs of the country since 1820. They are dissatisfied because within the last few years they have lost their hold upon the Government and its offices. The first class of Americans are generally disappointed adventurers; the second class are religionists, who, having once exercised supreme power in church and state, feel all the bitterness of disappointment at seeing their political power pass into other hands, and knowing that the native population is beginning to listen to a religion preached from other pulpits than their own, etc.—*Foreign Relations United States*, Appendix 2, page 138.

Mr. McCook expressed the opinion that a test would find the people of the islands "demanding, by votes freely expressed, annexation to the United States."

In a letter from Secretary Seward to Mr. McCook, dated September 12, 1867 (*Foreign Relations United States*, Appendix 2, page 143), there are expressions showing that Secretary Seward preferred "a lawful and peaceable annexation of the islands to the United States with the consent of the people of the Sandwich Islands." Those are the terms in which the Secretary framed his sentiments.

Afterwards, July 5, 1868, Mr. Seward, in communicating with Mr. Spalding, said, and his letter is quite interesting:

SIR: Your letter of the 14th of April has been received and carefully read. The information which you give of the excitement which is prevailing in Honolulu in regard to the annexation of the Sandwich Islands is very interesting. You suggest a system of proceeding here with reference to that object which could not possibly, at the present time, obtain the sanction of any Department of this Government.

Without going into an explanation of the causes for the condition of national sentiment which temporarily exists, it is enough to say that the public attention sensibly continues to be fastened upon the domestic questions which have grown out of the late civil war. The public mind refuses to dismiss these questions, even so far as to entertain the higher but more remote questions of national extension and aggrandizement. The periodical Presidential and Congressional elections are approaching. Each of the political parties seems to suppose that economy and retrenchment will be prevailing considerations in that election, and the leaders of each party, therefore, seem to shrink from every suggestion which may involve any new national enterprise, and especially any foreign one.

How long sentiments of this sort may control the proceedings of the Government is uncertain, but in the meantime it will be well for you not to allow extravagant expectations of sympathy between the United States and the friends of annexation in the islands to influence your own conduct. You will continue, however, to write me upon the subject freely, as you have hitherto done.—*Foreign Relations United States*, Appendix 2, page 144.

From this it appears that Mr. Spalding was probably engaged in a revolutionary scheme which Secretary Seward promptly disposed of. Whatever ideas Seward may have entertained favoring annexation in 1867, he changed his mind later on, as this correspondence witnesses.

Much has been said with reference to the message of President Johnson of December 9, 1868, in which he said:

A reciprocity treaty, while it could not materially diminish the revenues of the United States, would be a guaranty of the good will and forbearance of all nations until the people of the islands shall of themselves, at no distant day, voluntarily apply for admission into the Union.—*Foreign Relations United States*, Appendix 2, page 146.

Care was always taken by the officials until very recently to note that the acquiescence of the people was necessary. And while perhaps this matter may be further on elaborated, we must not forget the distinction attempted to be drawn by the Committee on Foreign Relations when they say that we can only deal with a government; that every people act through and by a government, and that we can not otherwise hold official intercourse.

Mr. President, in the case of the annexation of Texas there was registered a free and untrammelled vote favoring annexation; and in every word that was written or spoken upon that issue there was evinced a determination to act in accordance with the will of the people of Texas. I grant, as a legal proposition conclusive, that in dealing with a foreign power we must treat with the organized government; but when we propose to annex a nation, to sweep from the family of sovereignties one of its members, we, a government organized by the people and claiming to exercise our functions pursuant to the will of the people, can not afford to bring within this communion masses of men unwilling to come. Grant that the technical right of alienation exists in a government which pro hac vice may be lawfully empowered so to act, still we have the authority to go behind the mere form. The question within our discretion is, Shall we annex a people not desirous of the affiliation?

Never should this Republic, based upon universal suffrage and dependent for its life and for its existence upon the common acquiescence and support of all its citizens, compel to its membership men who are alien to it in sympathy and feeling, or who wish to remain without it. They are foreign and hope to so remain.

President Johnson also remarked in the same document that the—

attitude of the United States toward these islands is not very different from that in which they stand toward the West Indies.—*Idem.*, page 146.

Mr. Spalding, in a letter which appears in the document and on the page last above cited, says:

I feel that the desire for annexation is stronger to-day than it has been at any time since my arrival on the islands, simply because the prospects of the treaty are felt to be almost hopeless and the planters must have relief by annexation.—*Idem.*, page 147.

For such relief did these planters then work: for that relief they have since toiled. The relief mentioned took the form some years ago of a virtual bonus or bounty on sugar—or, more correctly, tariff exemptions equivalent to a bounty—indirectly paid to them by the Government of the United States under an existing treaty. Assessments, as I understand, are being levied to-day upon every ton of sugar produced in the island to forward the interests of annexation. The planters are strong; millions are involved. The treaty may any day be stricken dead either by the hand of legislation or by failure to continue it. Annexation means continued absence of tariff taxation. Hence this struggle.

The situation referred to by Mr. Spalding years ago was evidently similar to that now prevailing. The planters needed relief, viz, exemption from tariff taxation. They were practically looking out for a bounty. The scheme was then, as it is now, utterly selfish.

In another place in the same letter Mr. Spalding says:

The truth is that so long as there was a chance for receiving the benefits of free trade with the United States and escaping taxation men who had capital invested here were generally opposed to annexation.—*Idem.*

Thus it comes about that there is very little patriotism connected with this matter, so far as leading annexationists upon the island are concerned. They are looking out for themselves. They are not to be blamed for doing so. They are struggling as many struggle, and as we all struggle more or less in the private walks of life to augment our fortunes and better our conditions. While not censuring them for these interested efforts, while not wondering that they thus exert themselves for their own advantage, yet it behooves us, under the circumstances in which we are placed, to judge of this matter from a wholly different and, I may be permitted to say, a loftier standpoint.

The letters of Mr. Pierce to Mr. Fish (Foreign Relations United States, Appendix 2, pages 152-153) show that annexation was simply considered as an alternative in the event that reciprocity could not be accomplished. And it is to be noted that in the first of these communications (February 10, 1873) Mr. Pierce states that it is expected to succeed in procuring reciprocity—

By offering to the United States a quid pro quo, the cession of the sovereignty and proprietorship of the spacious, landlocked, easily defended harbor or estuary known as Ewa or Pearl River, in this island, 10 miles distant from Honolulu, and also to include the territory surrounding it, say 10 miles square in all.

This was before the treaty was negotiated, and perhaps the statement may be more or less of value in construing the grant in the treaty, which we will do later on.

After this General Schofield was sent to the islands with Colonel Alexander for the purpose of investigating Pearl Harbor.

The opinions of Mr. Blaine were undoubtedly favorable to annexation. His views as to the extension of the domain of the United States are quite well understood, and the theories which were carried out in the Samoan folly failed to prevail as to Hawaii.

Mr. Blaine, in his letter to Mr. Comly of December 1, 1881, declares, in speaking of the islands, that—

Their fertile resources for the growth of rice and sugar would not only be controlled by American capital, but so profitable a field of labor would attract intelligent workers thither from the United States.—*Foreign Relations of United States*, Appendix 2, page 170.

A statement without anything to support it; and there never will be a day when the coffee planters of the Hawaiian group or the sugar raisers there located will furnish any field for intelligent American labor. It is somewhat singular that Mr. Blaine should have been so ill informed as to American labor. Although the sugar plantations have been under American control for a long time, and while the same may be said of the coffee plantations, American labor has not been attracted thither, and the American laboring man will never work in rice or cane fields.

This may be said to be generally the history of our policy as far as Hawaii is specifically concerned, and from it we glean that the idea of annexation has, as a rule, emanated from the sugar people, and that because American planters needed protection our consular officers have assumed that the whole country must be captured.

The earlier statesmen, and those whose views are most entitled to respect, have not concurred in this theory.

[At this point, without having concluded his speech, Mr. WHITE yielded the floor for the day.]

SPEECH
OF
HON. STEPHEN M. WHITE,
OF CALIFORNIA,
IN THE SENATE OF THE UNITED STATES,

Wednesday, June 22, Tuesday, July 5, and Wednesday, July 6, 1893.

The Senate having under consideration the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States—

Mr. WHITE said:

Mr. PRESIDENT: I am aware that a full consideration of this interesting subject can not be had if we are to regard those only who are prepared to subject the important to the frivolous—affairs of international moment and permanent domestic policy to local interest and selfish view. Did I not firmly believe that the issues now before us are far-reaching I would not detain the Senate longer.

I attempted yesterday to criticise the pending resolution, not merely as to the merits of the case, but in view of its inherent contradictions and manifest absurdities. I have faith the committee will either withdraw the resolution or certainly alter its form fundamentally.

Mr. President, I endeavored yesterday to enlist the attention of those charged with the duty of knowing something about this subject to the opinion expressed by eminent statesmen who have passed away, and I quoted from them quite liberally. Looking over the reports of the Committee on Foreign Relations here and elsewhere—and the reports made in both bodies of Congress are practically identical, and may, therefore, I suppose, be referred to with indifference—I find it is said that the late Secretary of State, Mr. Sherman, favored annexation.

It is true that he signed a document connected with and accompanying the message of the President of the United States in 1897 which contained the proposed treaty which we were expected to ratify. I do not know whether the Secretary of State examined that message with care, but various circumstances have occurred to indicate that he did not.

However that may be, when he was compiling the work which is called *The Recollections of John Sherman*, he not only used, at the close of that book, the phraseology which has been quoted

here already in this debate, but he made another declaration, which has not been cited, and which I shall venture to read in a moment.

The following is in Mr. Sherman's works, volume 2, page 1216:

The events of the future are beyond the vision of mankind, but I hope that our people will be content with internal growth and avoid the complications of foreign acquisitions. Our family of States is already large enough to create embarrassment in the Senate, and a republic should not hold dependent provinces or possessions. Every new acquisition will create embarrassments. Canada and Mexico as independent republics will be more valuable to the United States than if carved into additional States. The Union already embraces discordant elements enough, without adding others. If my life is prolonged, I will do all I can to add to the strength and prosperity of the United States, but nothing to extend its limits or to add new dangers by acquisition of foreign territory.

But this is not all, Mr. President. The same distinguished statesman, selected by the present Administration for its Secretary of State, and who entered into the public service on the same day, I believe, that signalized the acceptance of office by the distinguished Senator from Vermont [Mr. MORRILL], this man of wide knowledge, acquired not only in both Houses of the National Legislature but in two Cabinets, again declared, on page 1039 of his book already cited, as follows:

It is not worth while to follow the line of events that resulted in making Great Britain, Germany, and the United States the guardians of these far-distant, half-civilized, mercurial, and combative orientals.

He refers to the Samoan tribes, in which we have a third interest.

The only interest the United States had in these islands was the possession and ownership of the Bay of Pago Pago, acquired by a treaty in 1878 between the United States and the King of Samoa. The repeated wars on a small scale that have occurred since that time and the complications and expense caused by the tripartite protectorate of the islands furnish another example of the folly of the United States in extending its property rights to lands in a far-distant sea. Our continental position ought to dissuade us from acquiring outside possessions which, in case of war, would cost the United States more to defend than their value.

This, Mr. President, was written by Mr. Sherman when he was a member of this body—written by him deliberately—penned in a work through which he desired to give to posterity not only a statement of his career but an elucidation of his opinions. Since he ceased to be Secretary of State there was published—and I think there has been no denial of the accuracy of the statement—in a prominent newspaper of the United States, on May 16, 1898, the following interview:

NOT A WAR FOR CONQUEST.

This is not a war for the acquisition of territory. We do not want to increase our territorial lines. It is a war in the interest of humanity and Christianity. We could not blindfold ourselves to the fact that cruelty and oppression existed under our very eyes. The sentiment of Congress—and Congress voices the sentiment of the country—was clearly in favor of war, if need be, to free Cuba from Spanish rule. The President and his Cabinet did all they could to stem the tide, but they failed. Congress was of one mind, and a war with Spain was the result.

When we demanded of Spain that she relinquish her control and domination of her possessions in the Western Hemisphere, we made a demand which was unusual. It is not the custom at this end of the century to formulate a demand upon a foreign power such as we made upon Spain, but we were forced to it. Misrule in Cuba became unbearable, and there was only one thing to do, and that was to demand the freedom of Cuba from Spanish rule. This Congress did.

War having been declared, it becomes the duty of every good citizen to support the Government that it may be able to carry the struggle to a successful conclusion.

As I said before, this is not to be a war of conquest. We do not want territory. We do not want the spoils of war, but we want justice to humanity. If I were in public life, I should oppose to the fullest extent of my ability the retention of any of the Spanish possessions. As I oppose the annexation of the Hawaiian Islands, I would fight against the annexation of Cuba, the Philippines, or Puerto Rico. If these islands were to become a part of the territory of the United States, we would have everything to lose and nothing to gain. We might easily have secured a coaling station in the islands without assuming sovereignty over them. The same would apply with equal force and effect if we were to take in Cuba and the other Spanish possessions.

THEY WOULD BE A SOURCE OF WEAKNESS.

To my mind there is no reason why we should annex either Cuba, the Philippines, or Hawaii. They would be a source of weakness rather than of strength. Our Navy would have to be largely increased, an increased standing Army would have to be maintained, and we would have under our care a mongrel population, partly uncivilized. There is no reason why we should establish a protectorate over any of these islands.

Mr. President, it will be observed that I have referred to the distinguished statesman from Ohio and have given his estimate of annexation made some time ago in his work and also his ideas disclosed last month. It would appear that the judgment which he gave to the world in the first instance has been approved by his more mature and latest expression.

The Committee on Foreign Relations tells us by citing from the Presidential message that Mr. Sherman favors annexation. We have, as I have observed, his early protest against it, and the later interview, when he stood unfettered by the courtesies and embarrassments of the office of Secretary of State. His sole motive was then to give to the country the same candid sentiments which are embodied in his Recollections. Certainly the citation made by the Committee on Foreign Relations is not worthy of very serious consideration.

Thus we have practically a uniform expression upon this subject, extending to this day and debate.

THE HAWAIIAN GROUP—ITS SITUATION.

At this point I will venture to allude to the location of the islands and the possibility of their value to us.

First, I wish to call the attention of the Senate to the situation of the Hawaiian Islands. It is common talk that everyone understands this branch of the controversy thoroughly, and yet I read not long ago a statement made by a prominent judicial officer of California to the effect that the argument urged in this Chamber by the Senator from South Dakota [Mr. PETTIGREW] that Manila was not as far from San Francisco via Unalaska as via Honolulu was unfounded, and even observed that an inspection of any map would sustain his criticism.

Mr. President, this gentleman and others adopting the same argument forget that they reside upon a globe. It is to be supposed that such critics at some time were aware of this fact and are merely suffering from want of memory.

I requested the Superintendent of the Coast and Geodetic Survey to give me a statement of the sailing distance from San Francisco via Honolulu to Manila, and the sailing distance from San Francisco via Unalaska, touching at Yokohama, to the same point, and taking into consideration the deviations necessary to touch at both points. As a result of that inquiry the Superintendent forwarded me the note which I ask may be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
Washington, D. C., June 15, 1893.

SIR: In reply to your letter received yesterday I beg leave to forward the following data.

Computed distances of steamer routes (on great circles and allowance for rounding of capes or islands):

	Nautical miles.
San Francisco (Point Bonita) to Unalaska.....	2,035
Unalaska to Yokohama (via Cape Mela).....	2,550
Yokohama to Manila.....	1,790
San Francisco to Honolulu.....	2,083
Honolulu to Manila (via S. Bernadino passage).....	4,710

Respectfully, yours,

HENRY S. PRITCHETT,
Superintendent.

Hon. STEPHEN M. WHITE,
United States Senate, Washington, D. C.

Mr. WHITE. Mr. President, it will be observed, taking these courses as indicated by the Superintendent of the Coast and Geodetic Survey and which are most favorable to the Honolulu route, that the aggregate distances from San Francisco to Manila are more than 400 miles less with all these deviations via Unalaska and via Yokohama than via Honolulu, and if those who are interested in the matter examine the Philippine group it will be noticed that the route referred to by the Superintendent of the Coast and Geodetic Survey is by the south end of the Island of Luzon, which is not always the course adopted. It is the shorter. So that if we touch at the two points which I have named and make the necessary allowances mentioned in this letter, we still have a difference of about 418 miles in favor of the Unalaska route; and if we make none of these allowances and take the ordinary sailing route, the saving is much more.

Mr. President, there are other things which perhaps are not always thought of by those who consider this subject in a cursory way. I refer to the matter of distances. We often hear it said, and we have heard it remarked here during the last few weeks, that we need the Hawaiian Islands in order to defend the Nicaragua Canal. I am in favor of the construction of the Nicaragua Canal. I need not say that here, for I have publicly and privately, and in every way possible, advocated its building, and am anxious to-day to forward the intention of the Senator from Alabama [Mr. MORGAN], who presented a measure to the Senate yesterday which I know will meet the support of many of us regarding that very important and most material enterprise.

But if we are anxious to learn anything about this matter, if we really wish to know anything about it, if it is not our purpose to remain in the fog and to avoid knowledge that we may not do too much violence to our prejudices, let us look at the facts. Honolulu is distant from Brito, the western terminus of the proposed canal, 4,210 miles. I have heard it said in debate in this Chamber that Honolulu looks into the mouth of the Nicaragua Canal.

If there were any canal, and if there was any mouth to be looked into, it would be very difficult to make the observation from a point 4,210 miles distant, not only because that distance is somewhat beyond the ordinary capacity of human observation, but also because it is somewhat difficult to gaze through that much of the earth or the ocean (our friends must still remember the form of the earth). But do we need Honolulu to defend the mouth of the canal, 4,210 miles away?

How far is San Francisco from Brito, the western terminus of the Nicaragua Canal? San Francisco is 2,700 miles from Brito. I imagine that no nation will be justified in assuming a difference to be immaterial which consists of 1,510 miles; and if we are to defend the western mouth of the Nicaragua Canal when that canal is constructed, it would be well for us to do so from San Francisco and not from Honolulu, unless indeed we wish to give the enemy an immense advantage.

Again, San Diego is about 500 miles nearer the intended western terminus of the Nicaragua Canal than San Francisco, and thus if we go to San Diego and make that the headquarters of our army of defense, we will have about 2,200 miles to sail as against 4,200 in case of Honolulu. Is that immaterial? Are 2,000 miles of any importance? Still, Mr. President, there are not a few, many of whom conceive themselves peculiarly qualified to seats in this Chamber, who may not know of these distances.

Mr. President, in connection with what I have already said with regard to distances, I wish here to give the figures regarding the distances from Brito via Honolulu to Yokohama:

	Miles.
Brito to Honolulu	4,210
Honolulu to Yokohama	3,445
Distance from Brito to Yokohama	7,655

From Brito to Yokohama via San Francisco the distances are:

	Miles.
Brito to San Francisco	2,700
San Francisco to Yokohama	4,536
Total	7,236

or 419 miles shorter calling at San Francisco on the voyage from Brito to Yokohama than when calling at Honolulu.

Mr. President, if we take into consideration the rotundity of the earth and take the shortest route possible from Brito to Yokohama, that route will be found to be within about 100 miles of the harbor of San Francisco. Now, these are facts which no amount of oratorical effort and no confused statements in confusing reports of any kind and no declaration of Army or Navy officers or other estimable people can change or alter. I am not an expert in military matters, and probably not otherwise, but I have learned in my brief career that experts are not very valuable witnesses.

I have learned that whenever a man becomes a partisan—I care not to what vocation he belongs or whence he comes—his testimony must always be considered in the light of his interests. Indeed, no writer upon the law of evidence, no man who has thought about the effect of testimony or the credibility of mankind, has failed to recognize that the interest and prejudice and the bias of witnesses must affect their testimony. These observations are daily made by the careful court and acted upon by the competent jury.

When an expert, whether a naval or an army expert, whether he belongs to one department or the other, asserts that we need the Hawaiian Islands in order to defend the Nicaragua Canal, such assertion is unwarranted, for the simple reason that it is much better and easier to defend from San Diego or San Francisco. We have large fortresses at those points. The harbor of San Francisco is quite well defended to-day, and powerful batteries have recently been put in place at San Diego. Hence, unless we are to erect an

island in the sea—and that has not yet been proposed—there is no place in the Pacific Ocean from which we can defend the Nicaragua Canal, but there are places in the State of California from which it may be adequately and thoroughly protected.

Mr. President, we are told that we need the Hawaiian Islands in order to defend the Pacific coast. Perhaps I ought not to venture to take issue with the naval experts who have so announced; but when they contradict each other, when gentlemen occupying high positions in the Army and Navy of the United States vary in conclusions, we are warranted, perhaps, in examining the subject, for we know that somebody has made a mistake. I have a very high regard for Admiral Belknap and General Schofield; they are able, patriotic, and true. I wish they would not contradict each other so much, for my task would then be much easier. General Schofield paid a visit, as we have already been told, to Honolulu for the purpose of examining into the defenses proposed or suggested at that point. He made his report May 8, 1873, and in referring to the subject of Honolulu Harbor he said:

There are many other so-called harbors or places for anchorage, but they are mostly open roadsteads, affording shelter only from certain winds, and they are all entirely incapable of being defended by shore batteries. Even the harbor of Honolulu itself can not be defended from the shore. It is a small harbor lying seaward from the land and only protected from the sea by outlying coral reefs.

An enemy could take up his position outside of the entrance to the harbor and command the entire anchorage, as well as the town of Honolulu itself. This harbor would therefore be of no use to us as a harbor of refuge in a war with a powerful maritime nation.

Admiral Belknap was a witness before the Committee on Foreign Relations, and he took up this subject. On page 711 of the report of the Senate Committee on Foreign Relations we find the following:

The CHAIRMAN. And you also have a general acquaintance with the Bay of Honolulu?

Mr. BELKNAP. Yes; in my judgment Honolulu is one of the easiest defended ports in the world. They talk about ships attacking that harbor. The fact is, they can not do it successfully. A few heavy guns properly located would keep them away.

Here are two distinguished officers, one of the Navy and the other of the Army. One of them tells us that Honolulu Harbor can not be fortified and the other says that it is the easiest place in the world to fortify. Are we to consider these gentlemen experts? No doubt they are experts, but they are like other experts—their testimony must be taken in view of the circumstances surrounding them and their liability to make mistakes. Here are declarations the one directly in the teeth of the other. Can I be blamed if I throw down this testimony and with wearied voice ask for more light? Can we be censured if after this want of harmony we examine the matter for ourselves? When one advises us that the harbor of Honolulu can not be fortified at all so as to repel an enemy, and the other declares it is the easiest place in the world to fortify, we may be pardoned if we cast aside the entire testimony and look at the facts that we may draw our own conclusions.

While there are no more splendid specimens of brave and intelligent manhood in the world than can be found in our Army and our Navy, we can not be dead to the fact that their business is that of war, and we can not be dead to the fact that the greater our Navy, the more bellicose our policy; the more frequently we are involved in just war, the better our soldiers and sailors are

pleased. It is not to their discredit. We have educated them to the pursuit of arms that they may defend their Government and conquer her foes. They are well qualified for this work. They are not of peace, and often not for peace. War brings promotion and offers magnificent triumphs.

Now, Mr. President, let us analyze some of the statements made by those who are seeking to expert us into an untried policy.

DO WE REQUIRE HAWAII?—A COALING STATION.

We are informed that we need the Hawaiian Islands, among other reasons, because a coaling station is necessary. Keeping in mind that we already have a coaling station at Pearl Harbor, let us take up the value of the Hawaiian Islands as a matter of defense to our western coast. Against whom are we to protect ourselves? Are we to fight the British? Some time ago—not very long ago—most belligerent declarations were made every three or four days by some of our friends in this Chamber with reference to the British lion, who was then supposed to be seeking to devour us. Now we are more friendly, but we can not tell when our minds will change. We not only have the right to alter our opinions often, but we do so with great frequency, and now and then under conditions not wholly sustainable.

IS HAWAII IN DANGER?

The English Government does not need the Hawaiian Islands. At Esquimaux, close by the State of Washington, Great Britain is possessed of one of the finest fortresses in the world. Her defenses there are almost equal to Gibraltar. There she is right in sight of the smoke of our civilization. She is not compelled to go 2,100 miles from anywhere and be dependent upon a precarious supply of coal and provisions, but she has her coal and her supplies and everything right at our door. Surely she does not wish the Hawaiian group for the purpose of attacking the Pacific coast.

Who needs it? Hawaii is 3,500 miles from Japan. Does anyone really and sincerely think that Japan intends to engage in war or has the remotest notion of ever engaging in war with this Republic? Her interests are to a great extent ours. She has developed marvelously within the last few years. She has joined in the great procession of progress and has enlisted the sympathies and admiration of all true citizens of the American Republic. To-day in our great Eastern shipyard of Philadelphia and in the great Western shipyard of San Francisco there are vessels building by our mechanics for her navy. She has solicited trade with us. Day by day and hour by hour we are advancing our material interests with Japan.

Our cotton, our wheat, and our flour are there finding a ready market. She solicits our assistance. Shall we warn her off when she approaches us with the legitimate profits of traffic? She does not oppose us. Shall we challenge the world and seek to discover an opponent? Are we striving to create hostility and opposition so as to formulate a basis to ostensibly justify us in aggressive conduct?

Japan is and must be our friend. Her development means enlarged opportunity for us. Why drive her away? Why doubt her sincerity? Why question her honor? If her actions toward Hawaii excite doubt, negotiation—friendly, manly negotiation—will solve all. If we are hunting for a quarrel, let us select some nation less anxious for our good will.

Does Germany seek Hawaii? Does France covet Hawaii?

France and England have declared in a treaty, as I stated yesterday, made years and years ago, that they did not advise or encourage Hawaiian discord. That treaty constitutes a solemn promise of abstention from conquest. There is no nation on the face of the earth challenging the integrity of Hawaii. It is but natural that this should be true. Does any power care to engage in warfare with us in order to possess Hawaii? When we have declared that we will not permit any interference with her freedom, have we grounds for the insinuation that any nation will question our authority or meet us in deadly combat as to a proposition which has received the acquiescence of all men for fifty years?

Mr. President, I would not spend a minute in considering this aspect of the subject were it not that I have heard it asserted here and in other places that there is danger that some one will gobble our coveted islanders? For what purpose can any nation desire the Sandwich Islands? To attack us? Some of our military experts have been lately described by Admiral Belknap at a dinner in Boston, which has probably been noted by Senators here, in a fashion that I might not have ventured to picture them. He described Captain Mahan as "a mere writer of books," and yet Mahan is the leading authority relied upon by annexationists.

But do our military experts really mean what they say when they speak about an enemy attacking us from Hawaii? Some time ago I procured a statement from Chief Engineer Melville with reference to the speed and capacity of the *Oregon* and *San Francisco*, which were selected as types of our vessels, cruisers and battle ships. From that statement, which I have not here in detail, this fact appears:

The battle ship *Oregon*, which, as we know, is one of our best war vessels, can run at forced draft, if there is no accident and without recoaling, 2,400 knots; at ordinary cruising rates she could travel 5,040 knots. Under forced draft, 16.79 knots per hour, she consumes 253 tons of coal per day, and she can keep this up six days. Under ordinary cruising rates, 10 knots per hour, she consumes 73 tons per day and can maintain this for twenty-one days. According to a statement made to me later from the Department, at the most economical speed her consumption per day would be 69½ tons, at a speed of 10½ knots per hour.

Let us take into consideration the case of a vessel running at forced draft. Suppose that Honolulu were in the possession of an enemy having a battle ship as good as the *Oregon*. War ordinarily means haste. Such a ship making the journey at full speed would have one day's sailing left when she reached our coast. If she proceeded at ordinary cruising rates, she would be able to turn around and get home, and that would be about all. But would any vessel or would any sane individual send a ship abroad to engage in a mortal conflict, and as a matter of choice, unless that ship had the capacity to turn about and come home? No base of supplies 2,100 miles distant is adequate to meet the demands of the modern battle ship or the modern cruiser, and no nation depending upon a base of supplies 2,100 miles away can wage naval warfare in this day and generation.

Mr. HAWLEY. Will the Senator permit me a moment? Have we not just dispatched a fine fleet and large transports a much greater distance than that—to Manila?

Mr. WHITE. Undoubtedly; but does the Senator deny the figures that I am giving? We provide for recoaling these ships;

we send transports with them. It is but a little while since it was denied on this floor by annexationists that there could be coaling from transports. Coaling from transports is a subject not depending upon the acquisition of Honolulu or any other place. My proposition is that no base of supplies 2,100 miles away can be utilized by the modern battle ship or the modern cruiser in the warfare of to-day, and I say it because of the mathematical propositions which I have enunciated here, based upon data derived from the office of the Chief of Engineers of the United States Navy. The argument of annexationists is that Hawaii is so near that it can be used as a base of operations. This I denounce as absurd. If coaling can be done by transports, we can be invaded regardless of our occupancy of Honolulu.

Mr. HAWLEY. Will the Senator pardon me again for a moment? I should like to know how, under his theories, Great Britain gets on with possessions all over the world which she defends with her steamships?

Mr. WHITE. Great Britain, I suppose, has coal near enough to supply the vessels to which the distinguished Senator alludes, wherever she has any contest; but the fact is certain that a vessel designed for cruising by steam power can not be operated without coal, and that if she can not get coal within 2,100 miles she can not afford the risk of combat.

Mr. LINDSAY. I will ask the Senator if Great Britain in any part of the world relies upon a coaling station as far distant from the territories over which she holds control as Honolulu is from the United States?

Mr. WHITE. I think not. But, Mr. President, whatever may be done by Great Britain or by any other power, there are certain facts which no amount of statement or eloquent utterance can elide from this record or destroy as to their effective, conclusive nature. One of them is that if it takes 253 tons of coal a day to operate a battle ship under forced draft, and that battle ship contains only 100 tons of coal, it can not maintain a struggle; and a battle ship sent from Honolulu to our coast and cruising for any considerable time after arriving would become practically a useless hulk tossed about by wind and wave, as noncombatant as a dead whale.

But, Mr. President, this branch of the discussion is really not very material because of the obvious fact, to which I have already adverted, that no enemy intends to take the island. We are conjuring up a knight-errant panoplied for battle and are calling for aid to strike him down. We are hunting dream-created enemies. Visions of serried columns, of ships lined for action, flit in our fervid brains. Mighty empires active in preparing to destroy us are born and die in fancy's moments. These are chimeras. No reality threatens us. No nation is hunting for a fight with us on this account, and no nation ever will.

But, Mr. President, we are told that Hawaii would be very valuable for self-defense; that we need the country to defend our Pacific coast. I am anxious for the welfare and happiness and safety of the entire Union. I am certainly not less so for that great State wherein I reside, where are to be found the closest and most cherished of my associations. But will we make a weak defense stronger by acquiring that which must also be defended? If our coast is not well protected now, will we make its protection easier by obtaining an addition that also must be fortified? Is it any answer to say to me, as the experts already referred to declara-

that if we had these distant ocean specks no enemy could reach us? Will this claim stand examination? First, we must have the enemy; and secondly, it will be well to consider the value as a defense of a remote point, days away, as a substitute for domestic fortifications.

Consider our position on the Pacific coast. Harbors, roadsteads, places of embarkation comparatively easy of approach, and hence needing defense. But, Mr. President, if an enemy were about to strike the city of Washington, would we rush to the city of New York in order to get ready to repel him? If the Pacific coast were threatened by any power (and the only power capable of hurting us is Great Britain), would we not depend upon our domestic and continental fortifications and upon the vessels located near our shores? Would we not have by our side and within easy calling distance means adequate to guard us, all duly armed and prepared for action, with supplies and equipments at hand? With no remote possession to protect, with everything needed and required for our own defense at our door, we can well consider ourselves impregnable if we care for our interests with ordinary solicitude.

Mr. President, will it be easier to defend our Pacific coast if we have these islands than if we allow them to remain under their present control? In the first place, for many years we have gotten along very well without Honolulu; but if we take possession, we will find ourselves the proprietors of islands extending over more than 400 miles. What must we defend? Are we to defend Honolulu, which we are told by Admiral Belknap is the easiest place in the world to defend, or are we to defend Pearl Harbor, which General Schofield certifies to us is a place very easy to guard? These two harbors are located on the island of Oahu. Is it enough to fortify them only? Admiral Belknap suggests \$5,000,000 as an adequate appropriation to make a good defense for Honolulu.

Caring not for the time being as to what it costs, let us suppose that any amount of money necessary is expended to fortify both of those harbors, and that they are impregnable, are there any other places where a hostile force can be landed? Undoubtedly many places. The large island of Oahu, the largest of the group, has several landing places, at two of which, and notably at Hilo, there is adequate facility for the discharging of a cargo. A recently constructed wharf at Hilo, as I am informed, has proved successful. But we must protect the whole group, not only because they are productive, but also because we can not afford to allow our enemy to land anywhere.

Hawaii is the largest island and can not be left to the mercy of the invader.

It follows that if we are to possess Hawaii for defensive purposes, we must make immense investments both for fortifications and navy. If no such outlay is essential, it is only because there is no ground to apprehend foreign interference. But that very circumstance demonstrates the inadequacy and folly of the argument made here that the islands are absolutely vital to our defense.

[At this point the Presiding Officer (Mr. JONES of Arkansas) announced that the hour of 2 o'clock had arrived, and by unanimous consent the consideration of House joint resolution 259 was continued.]

Mr. President, when we consider the remoteness of this group, when we consider the absence of any danger either to the Republic of Hawaii from external causes in the way of foreign interference, when we reflect on the strength of our own location and

the facilities that we there may enjoy for local defense, how absurd does it seem to speak of annexation as a part of our policy.

HAWAII AND THE PHILIPPINES.

But we are told that if we are to hold the Philippines we must have Hawaii. In the next breath the same speaker will tell us that he is not in favor of holding the Philippine Islands, but that he is in favor of annexing Hawaii.

I think there are very few Senators who doubt that if we are to engage in the business of foreign acquisition and are to seek domination over the islands of the Pacific and Indian oceans, we might as well start in and take Hawaii. If such is to be our policy, if we are to follow that plan and extend our flag in signification of permanent occupation, I am strenuously opposed to a colonial or imperial policy. Before we take such a step let us definitely understand whither we are drifting. If we are to become filibusters, let it be with our eyes open and in full view of the startling change in our national scheme.

But we are advised that as Admiral Dewey has destroyed the Spanish fleet at Manila, we must have Honolulu in order to send him supplies, and especially coal. Senators declare that the Hawaiian Government has violated the neutrality laws and that they may be disturbed. By whom? Again do we conjure up imaginary dangers. Who is to object?

A few days ago a prominent newspaper enthusiastically advocating annexation declared that Spain would object. I will not speak of our right to procure coal or other contraband. It is unnecessary to dwell upon that proposition. Spain is now engaged in objecting to all our warlike procedure. A protest on the part of Spain we would, perhaps, expect to meet as we met her opposition at Manila. Who else objects? Do any of the supposed hostile nations of the earth who are—in the minds of certain Senators—threatening our possessions object? Have we anyone, any nation, any diplomat, any power, protesting against our conduct? But, assuming for the time being that we are not embarking upon a career of conquest and that we do not intend, except for purposes of indemnity, to hold the Philippine group, assuming for the moment that that is the case, is there any justification for annexing the Hawaiian Islands merely because, for the instant, they may be of assistance to us?

Mr. President, surely we do not intend to absorb a nation or to adopt a new policy merely for the purpose of meeting the exigency of a moment. No, Mr. President, the object and purpose is deeper; the motive is deeper, and it is but illy concealed. It is well known by those who are most earnestly in favor of the plan now outlined that this acquisition will furnish a powerful argument for the continuation of the territorial-expansion idea.

I remarked some time ago, before the present war was declared, and before, perhaps, it was contemplated, that if we took Hawaii, the next thing to happen would be the annexation of other islands nearer the Orient, and when I made that statement someone arose and said that there were no islands that could be annexed, and that there was nothing therefore in my declaration. And yet, earlier than I supposed, do I find myself confronted with the condition which I then so truly feared. If we consummate this scheme, it will be urged that we must have the Philippines because Hawaii is not of great value unless in connection with other pos-

sessions. We have an interest in the Samoan Islands, and when we have grabbed the Philippines something else will be required; and thus we will finally extend our empire heaven knows where, and will sanction a policy essentially imperialistic.

Mr. President, no one can deny that the possession of remote countries inhabited by numerous barbarians necessitates the exercise of much power and the expenditure of vast money. We are all prepared to and are expending millions in maintenance of the war with Spain. But when peace shall spread her lovely wings over the land and contention shall have ceased the efforts of diplomacy will impose a heavy burden in the way of indemnity upon our adversary, probably requiring the possession, at least for a time and by way of security, of oriental lands. Then the Polynesians, Malays, Chinese, Negritas, and semi-orang-outangs will demand our care. A large army and adequate naval force will be requisite. Our soldiers will operate in unhealthy climes and the American people will be compelled to determine whether the objects for which this Union was established can be conserved or maintained if we bring to and within it such peculiar elements.

In a recent article written by the distinguished Senator from Alabama [Mr. MORGAN], and to be found in the North American Review under the caption "What shall we do with the conquered islands?" I find the following:

The question of greatest difficulty that will be presented for solution by the United States at the close of the war with Spain will be the disposal of the Philippine and the Caroline islands. In respect of all the islands from which Spanish power is expelled by our arms, there is a proper and necessary reservation, to be made at the proper time, of limited areas that will include certain bays and harbors that are best adapted to the purposes of military outposts, and for coaling stations and places of refuge for our war ships and other national vessels.

It is clear enough that the programme of expansion is behind this resolution. But do we want the Hawaiian Islands for any purpose except as a coaling station? No military expert or naval expert has intimated that they are essential otherwise than for military uses. No one pretends, or assumes to pretend, that we must defend the entire Hawaiian coast, though I believe that that will be necessary if there is any force in the military argument. But it is urged with great vehemence that we need a coaling station at this point. If so, let us proceed to get a coaling station. Some of us think we have one now.

Let us for a moment examine the provisions of our treaty with Hawaii in reference to that subject. If there is in the existing treaty, as I said yesterday, any defect which can be remedied in any way, why do we not try to remedy it? If we need a coaling station near Honolulu or at Pearl Harbor or anywhere else in the world, why do we not attempt to obtain one? If we require a refuge for our ships in Pearl Harbor, and if there is a technical defect in the grant of that harbor, why do we not by diplomatic effort attempt to remedy that defect? No; we will not remedy it. We will not provide for a coaling station, but we will take the entire group upon the pretext that we need a coaling station at this single point.

Mr. President, would it be difficult to negotiate an alteration of the treaty? With whom would we be compelled to negotiate? We would be compelled to negotiate with the Government over which Mr. Dole presides. Would he be willing to provide for a coaling station at Pearl Harbor with the necessary rights of property for

its proper use? Undoubtedly so. Has he been asked? Has there been any effort to negotiate a treaty? When Mr. Dole came to these hospitable shores, and was elaborately entertained by our Government here, did we ever suggest to him that it would be a good thing to arrange for a coaling station?

Mr. President, there has been no movement, we have been advised, looking to the acquisition of any rights with reference to coaling in Pearl Harbor or elsewhere, except the making of the treaty to which I have already adverted, the second article of which is to be found on page 171 of Appendix 2, to which I have already referred, and is as follows:

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

Mr. President, this appears to be a very clear grant, but it is urged that because of certain declarations made by Mr. Bayard this explicit and plain phraseology must be construed as limited in its effect to the time during which the other clauses of the treaty are in operation. Some time ago this subject was elaborately debated in this body, and the distinguished Senator from Alabama [Mr. MORGAN] and the then distinguished Senator from Oregon, Mr. Dolph, argued with great force, it seemed to me, and conclusively, I thought and think, that this was an absolute grant and did not depend for its efficacy on the existence of the treaty as a whole. It contains unlimited authority. The expression "grant," without other clause to modify it, appears to me to involve an alienation which it is not possible for the grantor to impair.

But, Mr. President, is it for a coaling station that we intend to change the precedents of our history and for the first time to go out into the midst of the deep and seize territory? Is it a coaling station only that you desire? If so, let us acquire, if we have not already acquired, our coaling station, and let the Government of the Hawaiian Islands proceed to work out its destiny, whatever that may be.

Will you tell me, Mr. President, can anyone say to me, that no compact can be made with that so-called Republic? Perhaps so, if the cunning annexation diplomat shall step around the back door and whisper into President Dole's ear, "Do not agree to it;" but does anyone doubt, if we in good faith enter into a negotiation looking to the perfection of our title, if our title is not good, that we can succeed? Why not? Is it for the interest of the Dole government to refuse it? No, Mr. President.

Of what does the management of this distant Republic complain? Where is their peril? They claim to fear invasion. Will they therefore refuse to permit us to place at their very doors our armies and our navies, to be utilized in carrying out that policy of freedom from foreign interference upon which we have always successfully insisted?

Mr. FAULKNER. I wish to ask the Senator from California a question for information, if he will permit me.

Mr. WHITE. Certainly.

Mr. FAULKNER. I ask whether the Government of the Hawaiian Islands have ever made a claim that that grant of Pearl Harbor was limited to the existence of the treaty under which it was made?

Mr. WHITE. I do not know that they have. I can not say.

Mr. FRYE. Mr. President, in answer to the Senator from West Virginia [Mr. FAULKNER]. I will say that the minister from the Hawaiian Islands at the time the treaty was entered into wrote an inquiry to our Secretary of State, Mr. Bayard, as to whether or not this was a cession. Mr. Bayard's reply was that it was *pari passu* with the treaty, and that if the treaty was abrogated the cession would be abrogated too.

Mr. WHITE. Mr. President, as a matter of law I believe the cession of Pearl Harbor was complete. In the CONGRESSIONAL RECORD, volume 26, part 7, Fifty-third Congress, second session, July 2, 1894, page 7060, I find the following remarks of Mr. Sherman:

Mr. SHERMAN. Mr. President, I wish to place before the Senate the exact historical facts with regard to our acquisition of a coaling station in the Hawaiian Islands and the treaty relations we have with those islands. By a convention concluded on the 30th of January, 1875, we stipulated:

"For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty."

Among those articles was sugar, then produced in a comparatively small quantity in the Hawaiian Islands. That treaty, containing reciprocal provisions, was to expire at the end of seven years, at any time on the demand of either Government. At the end of the seven years, when the treaty had expired, an effort was made to extend it seven years longer. That was contested severely in the Senate Chamber, and there was much opposition to the extension of the treaty, because the statistics showed that we had then lost \$25,000,000 more than we had gained during the seven years by the free admission into our country of sugar and other articles. Then a new treaty was made, entirely separate and distinct from the old treaty, and that treaty contains this stipulation—

Mr. DOLPH. When was that made?

Mr. SHERMAN. In 1894. It provides:

"Whereas a convention was concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th day of January, 1875, concerning commercial reciprocity."

Then follow the recitals about the provisions of the treaty. Then it proceeds:

"The high contracting parties agree that the time fixed for the duration of the said convention shall be definitely extended for a term of seven years from the date of the exchange of ratifications hereof, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter."

When this treaty was before the Senate there was great opposition to it for the reasons I have stated. Therefore, in order to find a consideration to be paid by the Hawaiian Islands to the United States for this enormous bounty, the Senator from Vermont, if I remember correctly, offered this additional consideration; and, in my judgment, the second treaty would have been beaten at the time it was pending but for the provision he offered. Here is the provision, and here is the absolute grant in perpetuity, according to the legal language of the grant, which gives us these islands for these purposes as one of the considerations for extending the treaty seven years more:

"His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid."

Here is an absolute, unconditional, unqualified grant that has been paid for by \$25,000,000 already, and we agreed to extend the term seven years longer. Thus we have given a double consideration for this right. I have no doubt the Senator from Maine [Mr. FRYE] will estimate the value of that privilege far more than I, but certainly we have already paid a large sum, and we have agreed to pay another sum equivalent to twenty-five or twenty-six million dollars, and we now possess by virtue of this treaty an exclusive right to enter upon and improve that harbor.

The provisions of the treaty as to the seven years applied only to the admission of articles entered into the several countries named therein, but this special provision was, standing by itself, an absolute and conclusive conveyance, so far as one government can convey to another the absolute and exclusive right in perpetuity to occupy that place for a coaling station and for other naval purposes.

So it seems to me there is nothing in the argument of the honorable Senator from Maine. We have paid, and doubly paid, for that harbor. We own it now; it is now in our possession, and we have the right to improve it.

Mr. President, it will thus be observed that the distinguished Senator, who at that time was chairman of the Committee on Foreign Relations, construed article 2 of this treaty as containing an absolute grant, and his view as to the legal effect of that compact was not dissented from by the distinguished Senator from Alabama [Mr. MORGAN], for that Senator said:

Now, I will suppose that this bill is passed and the treaty is abrogated. Hawaii is released from all of it that is not obligatory upon her. I believe that Hawaii is not released from that fee-simple title, as I understand it and read it, which is contained in the treaty extension to Pearl Harbor, and which was said here to be the consideration of that extension. Nevertheless, at the time the ratifications of that treaty were exchanged and contemporaneously with it, as a part of the question of the exchange of ratifications, Mr. Carter, who was then minister to the United States from Hawaii, insisted that if the treaty of reciprocity was determined according to its terms, upon giving a year's notice thereupon the Pearl Harbor would revert to Hawaii.

Then, Mr. President, the discussion proceeded, elucidating the statements made by Mr. Bayard, and upon which the contention of the revocability of the treaty depends. Mr. Dolph, then a Senator from Oregon, discussed the issue at considerable length, pointing out, it seems to me conclusively, the impossibility of the claim that Mr. Bayard had any authority by his mere opinion to disturb or modify a contract entered into pursuant to the Constitution. It must, of course, be conceded that there are moral conditions connected with this affair and that the statements of Mr. Carter and Mr. Bayard might have induced the home Government to take affirmative action in the premises; but whether there be any such difficulty about the matter or not, there is nothing to hinder the making of a supplemental agreement or convention or an alliance giving us all the rights which we desire in Pearl Harbor, and all desirable coaling privileges.

If we really need a coaling station in the Hawaiian Islands, it does not follow that we need the Hawaiian Islands. If we need a coaling station in China, it does not follow that we need China. Mr. Dole, as the careful conservator of the interests of his people, and the whole Hawaiian people will be glad to have us on hand with our naval and military establishment. They will be pleased to have our guns and other protection to enforce the declaration to which I have already referred, whereby we inhibit interference from without.

Let us have the evidence of any honest effort by anybody to enter into a negotiation to perfect the Pearl Harbor grant, and then I will consider with you whether we must engage in the business of appropriating the entire Hawaiian Republic. I regard it, for reasons already pointed out and for others that might readily be given, as immaterial; but my point is that, granted, for the sake of the argument, that we must have a coaling station, you do for that reason insist upon appropriating the Hawaiian Republic.

Mr. President, we have a coaling station in the Samoan Islands,

which we obtained by virtue of the tripartite agreement into which we entered with two monarchic powers, a treaty whereby we agreed to dethrone a king and to place another upon the throne. This Republic entered into that compact, and we are now maintaining and carrying it out. By this peculiar arrangement we obtained a coaling station 4,000 miles from San Francisco.

I do not believe that there has ever been anyone in our Department of State so inefficient that he could not negotiate a proper contract with reference to a coaling station either at Honolulu or at Pearl Harbor—the place to be selected by Admiral Belknap and General Schofield.

If I am right in this regard, the whole annexation job is ended. Personally, I consider that there is no necessity for a coaling station at Hawaii. My belief is that Unalaska and Kiska, in the Aleutian group, furnish more eligible sites. I assume, however, for the time being, that we have use for such a station in the Sandwich Islands, and even upon that basis it is obvious we are not required to assume the duty of governing such a population at such a point.

I have already referred to the coal capacity of modern vessels for the purpose of demonstrating that the Hawaiian Islands can never be made a base of operations against the United States, and also to prove how ridiculous is the assertion that Honolulu and Manila are near enough for naval-aggression purposes.

For this purpose I insert a table furnished by Chief Engineer Melville to the senior Senator from South Dakota [Mr. PETTIGREW]:

WASHINGTON, D. C., *January 11, 1893.*

SIR: Your letter of January 5, 1893, addressed to the Secretary of the Navy, requesting certain information as to the coal capacity and steaming radius of first-class battle ships and cruisers of the first rate, has been referred to this Bureau.

In reply the Bureau transmits the following table, which contains the information desired:

Name.	Type.	Coal-bunker capacity.	Steaming radius on this coal at most economic rate.	Steaming radius on this coal at maximum speed with forced draft.
		<i>Tons.</i>	<i>Knots.</i>	<i>Knots.</i>
Iowa	First-class battle ship	1,790	* 6,000	† 2,355
Indiana	do.	1,550	4,805	† 2,671
Massachusetts	do.	1,560	4,797	† 2,265
Oregon	do.	1,540	5,205	† 2,448
Brooklyn	Armored cruiser	1,300	4,342	† 1,404
New York	do.	1,200	4,486	† 1,344
Columbia	Protected cruiser	1,600	* 7,000	† 1,840
Minneapolis	do.	1,520	6,824	† 1,565
Olympia	do.	1,100	6,105	† 1,403

* Estimated.

† From official trial on basis of 2.4 pounds of coal per 1 horsepower.

‡ From official trial, actual figures.

Very respectfully,

GEO. MELVILLE,

Engineer in Chief, United States Navy, Chief of Bureau.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

AS TO THE CLAIM THAT IF WE DO NOT TAKE HAWAII THAT REPUBLIC WILL
BE TAKEN BY ANOTHER.

Mr. President, if we should refuse to adopt this resolution then it is threatened Hawaii will go elsewhere. Hawaii is located in the Pacific Ocean, 2,100 miles from the California coast. She can not move her foundations by any process of oratorical legerdemain, and her interests can not be altered in so far as they depend upon her location. As before stated, those interests are with us. When the McKinley Act was in force, and when we paid a bounty to our domestic sugar producers and abolished all sugar tariff, there was no discrimination in favor of Hawaii.

The sugar industries in Hawaii languished. She pined for a resuscitation of the advantages of the past, and yet she did not leave us; she did not go to England or to France or to Germany and negotiate a treaty with them. The pretense that a refusal of annexation will induce her to trade elsewhere is, in common parlance, a mere "bluff."

Nature, Mr. President, not the disposition of Mr. Dole and his cabinet or anybody else, incited the Hawaiian people to trade with the United States, and no action that we take here upon this proposition, no action that we may take regarding annexation, can in any way prevent them from continuing to trade with us.

Trade is unfeeling. Men deal in sugar, rice, coffee, and other articles because they make or think they make money by such dealing. The people of Hawaii do not send their goods, wares, and merchandise to California, or to any other part of the United States, merely because they are fond of our people, but they send them to us and trade with us because they find it is to their interest to do so. We have the market, and they will continue to deal with us regardless of the fate of this resolution, just as they dealt with us when the McKinley law was in force and notwithstanding its provisions and regardless of our tariff, which yielded them no advantage. Clearly there is nothing in this contention.

THE PRETENSE THAT WE CAN NOT WARN OTHER NATIONS AWAY IF WE
REFUSE TO ACCEPT HAWAII.

We are informed that we can not consistently announce to other nations "You shall not interfere with Hawaii" when we decline annexation. Why not? Did we not often make such a declaration, when at the same time our Presidents and our Secretaries of State declared that we did not intend to assert control; that all we desired was that Hawaii should be preserved to the impartial trade of the world?

When we told Great Britain at the time of unauthorized interference by one of her officers, when we told France when a similar transaction was happening, that we would not brook their interference—and that was many years ago—we did not threaten or intimate annexation. Nevertheless we dictated foreign abstention, and our wishes have been ever respected. And we to-day assume and have a right to assume the power to repeat this same thing. Have we no right to warn away other nations unless we see fit to take the islands ourselves? Are the islands upon the block offered to the highest bidder for cash? Must we bid or submit to foreign ownership?

I repeat that in my judgment no nation wants Hawaii; but at all events there is no country which will demur to our positive announcement that there shall be no foreign aggression. There is no inconsistency, no impropriety in warning away other nations, although we do not take the country ourselves. The

strength of our position consists in our avoidance of conquest. Must we obliterate the Hawaiian Republic? Must we annex and take to ourselves that territory in order to justify our claim of noninterference from abroad? If so, the history that we have made for fifty years has been ill made; and, if so, we have had no right to do that which the world has admitted and conceded for half a century was our right to do. Surely there is absolutely nothing in this part of the argument of the other side.

THE LABOR QUESTION.

Mr. President, all sorts of statements have been made to induce the public to favor this acquisition. Among other suggestions is the assertion that there will be a great field for labor in the Hawaiian Islands. I stated upon another occasion that if such a magnificent chance for the laboring man existed it was somewhat singular that he had never discovered that his Mecca was there located. The truth of it is that there is no opportunity for the white man, the intelligent American laboring man, or the negro in the Hawaiian Islands. Of course there may be an occasional carpenter employed, a few mechanics, a limited number of superintendents of coffee plantations and sugar industries, but speaking of the labor of the islands, as referring to a large and material class of men, there is nothing for those of our toilers who wish for better things.

Mr. President, I wish to call the attention of some of my Republican friends to the remarkable effect of the policies which they seem to some extent to be outlining. They have asserted and claimed in many a forum and have received credit in many a place for the declaration that they have guarded and cared for the laboring interests of the United States. They have referred to the high wages paid in our factories, the large salaries which skilled mechanics have obtained, and have designated this elevation of the working class as their greatest achievement.

The policy, Senators, which you are now initiating and the channel into which you seek to compel us to drift will lead us inevitably to this result, that the pauper labor, the servile labor, the cooly labor of the Orient will be brought into competition with that which you have often declared it to be your policy to defend. This first step, whereby you introduce within the boundaries of our Government some 50,000 orientals, is but a premonition of that other and more disastrous movement which will swell the aggregate of ignorance to millions and millions. When you obtain all the land upon which you look with covetous eye, you will likewise add a population destructive of wages and inimical to civilization.

Mr. President, some years ago in the State of California and throughout the entire West there was a movement against Chinese labor, and it had behind it the greatest merit. We saw our people threatened by an oriental invasion. We knew that the Chinese possessed sufficient ability and sufficient knowledge of our conditions to find it profitable to engage in competition here. We learned that there could be no intelligence or competent American citizenship in an element struggling for 10 cents per day. We legislated in the most drastic manner, and have, to a large extent, kept them from our shores.

We passed acts of Congress having that object in view and were charged with violating treaty rights. We finally reduced the

number of Mongolians in the United States to about 100,000. Now we are to bring in between twenty and thirty thousand Chinamen by this measure. True, the joint resolution reciting the language of the treaty attempts to keep the Chinamen in Hawaii. I doubt whether under a treaty we can enter into a compact of that sort, but I am clear that we can not by a joint resolution admitting a territory, if it be assumed for the time being that we have the power to admit the islands at all, curtail or restrict the movements of the residents of that territory—a part of this country. However this may be, the abandonment of the former claim is manifest.

Mr. President, our consul at Honolulu, Mr. Haywood, has made a report with reference to the coffee industry to which our attention has been lately directed. He points out with great elaboration and detail that the men who do the actual work are Japanese and Chinese, and that they labor for \$15 a month and board themselves. In a few instances they are paid \$16, but the wages are usually \$15 a month, and it is certain there is no opportunity in this business for American citizens. It is clear that we will not enter into active competition with a person who is working upon coffee and sugar plantations for from ten to fifteen dollars per month.

Hence the statement that annexation will afford a splendid opening for labor has nothing whatever to maintain it. Never in any part of the world has the raising of cane sugar and the production of coffee been considered important to enlightened white labor, and to-day the coffee production of the world is fully equal to the demand and somewhat ahead of it, and a careful reading of the elaborate report which I have cited will show the impartial man that the assertion that there is anything for labor in the Hawaiian Islands is a mere pretense. We have heard much about the present Hawaiian Government and its friendship to this country and to those who toil.

In this connection I refer to the following Hawaiian legislation:

ACT 66.—An act relating to the landing of aliens in the Hawaiian Islands.

Be it enacted by the executive and advisory councils of the provisional government of the Hawaiian Islands, It shall be unlawful for aliens of the following classes to land in the Hawaiian Islands, to wit: Idiots, insane persons, paupers, vagabonds, criminals, fugitives from justice, persons suffering from a loathsome or dangerous contagious disease, stowaways, vagrants, and persons without visible means of support, which means of support may be shown by the bona fide possession of not less than \$50 in money or a bona fide written contract of employment with a reliable and responsible resident of the Hawaiian Islands.

SEC. 2. The master or other officer of any vessel or any person who shall bring within the Hawaiian Islands and land, or attempt to land, or permit to be landed, any alien not lawfully entitled to enter the Hawaiian Islands, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$500 nor less than \$100 for each and every such alien not entitled to enter the Hawaiian Islands, so brought and landed, or attempted or permitted to be landed, and may be imprisoned for a term not exceeding one year; and any such vessel shall not have clearance from any port of the Hawaiian Islands until such fine is paid.

SEC. 3. Upon the arrival of any vessel from any foreign land at any port of the Hawaiian Islands with passengers on board it shall be the duty of the master of such vessel to report the name, nationality, last residence, destination, occupation, and object of coming to the Hawaiian Islands of every such passenger, before any of them are landed, to the collector-general of customs or his deputy, or the collector of customs of the port at which such vessel has arrived, who shall thereupon inspect all of such passengers who may be aliens, either on board of such vessel or at a designated place on shore. But such removal of such passengers from the said vessel for the purposes of such inspection shall not be considered to be a landing. The inspecting officers shall have the power to administer oaths and to take and consider testimony touching the right of any such alien passengers to land

within the Hawaiian Islands, all of which shall be entered of record. All decisions made by the inspection officers touching the right of any alien to land shall be final: *Provided*, That the collector-general of customs may reverse the decisions of his deputy and the several collectors of customs in case appeal shall be taken to him from their decisions. It shall be the duty of the master and officers and agents of such vessel to adopt due precautions to prevent the landing of any alien at any place or time other than that designated by the inspection officers, and any master, officer, or agent of such vessel who shall, either knowingly or negligently, land or permit to land any alien at any place or time other than that designated by the inspection officers, or other than those who may have received a permit to land by the inspection officers, shall be deemed guilty of a misdemeanor and be liable to the penalties above mentioned. Any such vessel shall not have clearance from any port of the Hawaiian Islands until such fine is paid.

SEC. 4. All aliens who may unlawfully come to the Hawaiian Islands shall, if practicable, be immediately sent out of the country on the vessel by which they were brought in. The cost of their maintenance while here, as well as the expense of removing such aliens out of the country, shall be borne by the owner or owners of the vessel on which such aliens came; and if any master, agent, consignee, or owner of such vessel shall refuse to receive back on board such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to carry them out of the country or pay the cost of their maintenance while here, such master, agent, consignee, or owner shall be deemed guilty of a misdemeanor and be liable to the above-mentioned penalties for each and every offense, and any such vessel shall not have clearance from any port of the Hawaiian Islands until such fine is paid.

SEC. 5. Any alien who shall come into the Hawaiian Islands in violation of law may be returned, as by law provided, at any time within one year thereafter at the expense of the person or persons, vessel or corporation bringing such alien into the Hawaiian Islands; and, if that can not be done, then at the expense of the Government; and any alien who becomes a public charge within one year after his arrival in the Hawaiian Islands, from causes existing prior to his arrival, shall be deemed to have come in violation of law, and may be returned as aforesaid. And any alien who shall come into the Hawaiian Islands in violation of law shall be detained by the marshal or his deputy or any sheriff or police officer until there is an opportunity for his deportation.

SEC. 6. The circuit judges and district magistrates are hereby vested with full and concurrent jurisdiction of all misdemeanors arising under the provisions of this act; and the collector-general of customs, his deputy, and the several collectors of customs are invested with full jurisdiction in matters touching the right of any alien to land or the question whether any alien who has landed has done so in violation of law, subject, however, as to said deputy and collectors, to the review of the collector-general of customs in case of appeal.

SEC. 7. This act shall take effect upon publication.

Approved this 1st day of March, A. D. 1894.

SANFORD B. DOLE,

President of the Provisional Government of the Hawaiian Islands.

J. A. KING,

Minister of the Interior.

ACT III.—An act to amend act No. 66 of the laws of the provisional government, entitled "An act relating to the landing of aliens in the Hawaiian Islands," approved March 1, 1894.

Be it enacted by the Executive and Advisory Councils of the Republic of Hawaii, Section 1 of act No. 66 of the laws of the provisional government, entitled "An act relating to the landing of aliens in the Hawaiian Islands," approved March 1, 1894, is hereby amended by adding at the end of said section following words, viz., "binding such aliens to work as an agricultural laborer for a term of less than two years."

SEC. 2. This act shall take effect from the date of its approval, this 9th day of August, A. D. 1894.

SANFORD B. DOLE.

ACT XVII.—An act relating to the immigration of aliens and foreigners under contract of service.

Be it enacted by the executive and advisory councils of the Republic of Hawaii, From and after the passage of this act, it shall be unlawful for any person, company, partnership, or corporation in any manner whatsoever to prepay the transportation, migration, or introduction of any alien or aliens, any foreigner or foreigners, into the Hawaiian Islands, under contract or agreement, made previous to the importation, migration, or introduction of

such alien or aliens, foreigner or foreigners, to perform agricultural or domestic labor or for service in mills or factories in the Hawaiian Islands: *Provided, however,* That any person, company, partnership, or corporation may bring aliens or foreigners into the Hawaiian Islands as aforesaid upon receiving from the board of immigration its written approval of the contracts under which it is proposed to introduce such aliens or foreigners.

For the purpose of this act all aliens and foreigners arriving within the jurisdiction of the Republic of Hawaii in any vessel or who, having so arrived, may be performing quarantine on shore shall be deemed to be without the Hawaiian Islands and the provisions of this act regarding the importation, migration, or introduction of aliens and foreigners so arriving or in quarantine.

SEC. 2. All contracts or agreements which may hereafter be made by and between any person, company, partnership, or corporation and any aliens, foreigner, or foreigners to perform agricultural or domestic labor or for service in mills and factories in the Hawaiian Islands previous to the migration, importation, introduction, or arrival of the person or persons whose labor or service is contracted for into the Hawaiian Islands shall be void, except such contracts and agreements as shall have been approved by the board of immigration as aforesaid.

SEC. 3. For every violation of any of the provisions of section 1 of this act the person, company, partnership, or corporation violating the same shall forfeit pay for the benefit of the treasury for every such offense the sum of \$300 for each alien or foreigner introduced or landed in the Hawaiian Islands, or whose passage has been paid, encouraged, or arranged for contrary to the provisions of section 1 of this act, upon conviction thereof before a district magistrate.

SEC. 4. The master of any vessel who shall knowingly bring within the Hawaiian Islands on such vessel, and land or permit to be landed from any foreign port or place any alien or foreigner who, previous to embarkation on such vessel, had entered into contract or agreement to perform agricultural or domestic labor or service in mills or factories in the Hawaiian Islands, which contract or agreement had not been approved by the board of immigration as aforesaid, shall forfeit and pay for benefit of the treasury the sum of \$100 for each alien or foreigner so introduced or landed upon conviction thereof by the district magistrate.

SEC. 5. This act shall not apply to immigration of laborers under contract under the provisions of the convention between this country and Japan of January 28, A. D. 1886.

SEC. 6. This act shall take effect from the date of its publication.

Approved this 1st day of February, A. D. 1895.

SANFORD B. DOLE.

It has been for some time asserted that the new organization in the Sandwich Islands favored American labor, and that because the missionary element had become dominant the high-priced white laborers of the United States could confidently rely upon splendid remuneration if the Hawaiian Islands were annexed. It is therefore important to examine the treaties prevailing between Hawaii and Japan, from which latter country it is supposed danger is to be anticipated. These treaties, so far as they relate to this subject, have already been printed, at my suggestion, as a Senate document. They are as follows:

TREATIES BETWEEN JAPAN AND HAWAII.

Whereas a treaty of amity and commerce between His Majesty the King, and His Imperial Majesty the Tenno of Japan, was concluded at Yeddo, on the 19th day of August, 1871, which has been ratified by His Majesty the King, and His Imperial Majesty the Tenno of Japan, and the ratifications duly exchanged—which treaty is, word for word, as follows:

His Majesty the King of the Hawaiian Islands, and His Imperial Japanese Majesty the Tenno, being equally animated by the desire to establish relations of friendship between the two countries, have resolved to conclude a treaty, reciprocally advantageous, and for that purpose have named their plenipotentiaries, that is to say, His Majesty the King of the Hawaiian Islands, His Excellency C. E. De Long, appointed and commissioned by His Majesty envoy extraordinary and minister plenipotentiary of the Kingdom of Hawaii near the Government of His Majesty the Tenno of Japan, and His Imperial Majesty the Tenno, His Excellency Sawa Iusanme Kiyowara Nonyoshe, minister for foreign affairs, and His Excellency Terachima Jusee Fugiwara Munemori, first assistant minister for foreign affairs, who, having

communicated to each other their respective full powers, which are found in good order and in proper form, have agreed upon the following articles:

ARTICLE I. There shall be perpetual peace and friendship between His Majesty the King of the Hawaiian Islands and His Imperial Japanese Majesty the Tenno, their heirs and successors, and between their respective subjects.

ARTICLE II. The subjects of each of the two high contracting parties, respectively, shall have the liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other where trade with other nations is permitted; they may remain and reside in any such ports and places, respectively, and hire and occupy houses and warehouses, and may trade in all kinds of produce, manufactures, and merchandise of lawful commerce, enjoying at all times the same privileges as may have been or may hereafter be granted to the citizens or subjects of any other nation, paying at all times such duties and taxes as may be exacted from the citizens or subjects of other nations doing business or residing within the territories of each of the high contracting parties.

ARTICLE III. Each of the high contracting parties shall have the right to appoint, if it shall seem good to them, a diplomatic agent, who shall reside at the seat of the Government of the respective countries, and consuls and consular agents, who shall reside in the ports or places within the territories of the other where trade with other nations is permitted. The diplomatic agents and consuls of each of the high contracting parties shall exercise all the authority and jurisdiction, and shall enjoy within the territories of the other all the rights and privileges, exemptions, and immunities which now appertain or may hereafter appertain to agents of the same rank of the most favored nations.

ARTICLE IV. It is here stipulated that the Hawaiian Government and its subjects, upon like terms and conditions, will be allowed free and equal participation in all privileges, immunities, and advantages that may have been or may hereafter be granted by His Majesty the Tenno of Japan to the Government, citizens, or subjects of any other nation.

ARTICLE V. The Japanese Government will place no restrictions whatever upon the employment by Hawaiian subjects of Japanese in any lawful capacity. Japanese in the employ of foreigners may obtain Government passports to go abroad, on application to the governor of any open port.

ARTICLE VI. It is hereby agreed that such revision of this treaty, on giving six months previous notice to either of the high contracting parties, may be made by mutual agreement, as experience shall prove necessary.

ARTICLE VII. The present treaty shall be ratified by His Majesty the King of the Hawaiian Islands, and by His Imperial Majesty the Tenno, and the ratifications exchanged at Yeddo, the same day as the date of this treaty, and shall go into effect immediately after the date of such exchange of ratifications.

In token whereof, the respective plenipotentiaries have signed this treaty. Done at the city of Yeddo, this 19th day of August, A. D. 1871, corresponding in Japanese date to the fourth day of the seventh month of the fourth year of Meiji.

(Signed) C. E. DE LONG.

SAWA IUSANME KIWOWARA NOLUYOSHE.

TERACHIMA JUSEE FUGIWARA MUNEMORI.

[SEAL.]

[SEAL.]

[SEAL.]

Now, all persons are hereby notified that the said treaty is a part of the law of this Kingdom, and is to be regarded as such.

[L. S.]

CHAS. C. HARRIS,

For Minister of Foreign Affairs.

FOREIGN OFFICE, September 27, 1871.

CONVENTION BETWEEN THE EMPIRE OF JAPAN AND THE KINGDOM OF THE HAWAIIAN ISLANDS.

Whereas a large number of the subjects of His Majesty the Emperor of Japan have emigrated to the Hawaiian Islands; and whereas it is not unlikely that others of His Imperial Majesty's subjects may desire to take advantage of the system of free and voluntary emigration which has been established, and which it is intended by this convention to confirm; and whereas it is equally the desire of His Majesty the King of the Hawaiian Islands and His Majesty the Emperor of Japan to afford the emigrants the most ample and effectual protection compatible with the constitution and laws of Hawaii, His Majesty the King of the Hawaiian Islands and His Majesty the Emperor of Japan, being resolved to treat upon these important subjects, have, for that purpose, appointed their respective plenipotentiaries to negotiate and conclude an emigration convention, that is to say: His Majesty the King of the Hawaiian Islands, Robert Walker Irwin, knight commander of the Royal Order of Kalakaua, His Majesty's charg 

d'affaires and consul-general at Tokio, and His Majesty the Emperor of Japan, Count Inouye Kaoru, Jusammi, His Imperial Majesty's minister of state for foreign affairs, first class of the Order of the Rising Sun, etc., who, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I. It is mutually agreed between the contracting parties that the several stipulations contained in this convention shall, so far as the same are applicable, embrace as well the subjects of His Majesty the Emperor of Japan, who have already emigrated to the Hawaiian Islands, as those who may hereafter emigrate thither.

ARTICLE II. The Government of His Majesty the Emperor of Japan agree that in pursuance of the provisions of this convention, and so long as the same shall remain in force, Japanese subjects may freely emigrate to the Hawaiian Islands. But nothing herein contained shall be held to deprive His Imperial Majesty's Government of the right, in individual cases, to prohibit such emigration, or at their pleasure generally to limit, suspend, or prohibit such emigration, if in their judgment the exigencies of the State, or the welfare of the Japanese subjects, justify such action. It is, however, understood that this right shall not be arbitrarily exercised, neither shall it be enforced against intending emigrants, in respect to whom the Japanese Government shall have given the permission provided for in Article III hereof.

ARTICLE III. All emigration under this convention shall be carried on between the ports of Yokohama and Honolulu. The kenrei (governor) of Kanagawa shall, in all matters connected therewith, represent and act on behalf of the Japanese Government. His Hawaiian Majesty's Government engage to appoint a special agent of the Hawaiian board of immigration to reside at Yokohama. The appointment of such agent shall be subject to the approval of the Japanese Government.

It shall be the duty of said agent to correspond and consult with said kenrei upon all matters connected with the subject of Japanese emigration to Hawaii, and he shall moreover be charged with the duty of making all necessary arrangements with reference to the embarkation and transportation of intending emigrants. Whenever emigrants are desired, the said agent shall give the said kenrei at least one month's previous notice, setting forth the number and class of persons desired, to which notice the said kenrei shall without unnecessary delay reply, giving the determination of His Imperial Majesty's Government in that behalf. In default of such notice, or in default of a favorable reply thereto from the said kenrei, the concluding paragraph of the last preceding article hereof shall not apply.

ARTICLE IV. All emigration under this convention shall be by contract. The contracts shall be for the period not exceeding three years, and shall be in accordance with a form to be approved by both Governments. The contracts shall be concluded at Yokohama, by and between the special agent of the Hawaiian board of immigration, in the name and on behalf of the Hawaiian Government and the intending emigrants, and shall be approved by the kenrei of Kanagawa. During the continuance of any such contracts the Hawaiian Government shall assume all the responsibilities of employer toward the emigrants, and shall consequently be responsible for the due and faithful performance of all the conditions of such contracts. And, at the same time, the said Government of Hawaii guarantees to each and every Japanese emigrant the full and perfect protection of the laws of the Kingdom, and will endeavor at all times and under all circumstances to promote the welfare and comfort of such emigrants.

ARTICLE V. His Hawaiian Majesty's Government agrees, moreover, to furnish all emigrants, under this convention, freesteeage passage, including proper food, from Yokohama to Honolulu, in first-class passenger steamers. The steamers selected for the purpose of transporting such emigrants shall be approved by the Kenrei of Kanagawa.

ARTICLE VI. In order to insure the proper fulfillment of the terms of the contracts entered into between the board of immigration of the Hawaiian Kingdom and any Japanese emigrants, and to afford full protection to such emigrants in the enjoyment of their rights under the laws of the Hawaiian Kingdom, His Hawaiian Majesty's Government will provide and employ during the continuance of any of the contracts aforesaid, a sufficient number of inspectors and interpreters, who shall be able to speak and interpret the Japanese and English languages, and the services of such interpreters shall at all times be rendered without charge to such emigrants, in the courts of the Hawaiian Kingdom, in any suits arising out of or concerning any such contracts, in which such emigrants may be plaintiffs, defendants, complainants, or accused.

ARTICLE VII. The Government of His Hawaiian Majesty will, during the continuance of any of the contracts provided for by this convention, employ a sufficient number of Japanese physicians to attend the emigrants, and will give to the said physicians the status of Government physicians, and will

station them in such localities as may from time to time appear to be desirable in order to afford the emigrants all necessary medical aid.

ARTICLE VIII. His Hawaiian Majesty's Government further agree that the diplomatic and consular agents of Japan in Hawaii shall at all times have free and unrestricted access to all Japanese emigrants; they shall be afforded every facility to satisfy themselves that the contracts are being fulfilled in good faith; and they shall also have the right, in case of violation thereof, to ask and obtain the protection of the laws and the local authorities of Hawaii.

ARTICLE IX. The well-being, happiness, and prosperity of Japanese subjects emigrating to Hawaii, being equally objects of solicitude to both the contracting parties, His Imperial Japanese Majesty's Government consent that His Hawaiian Majesty's Government shall have the right to send back to Japan all evil-disposed, vicious, or vagrant Japanese subjects in Hawaii, who may create trouble or disturbance or encourage dissipation of any kind among the emigrants, or who may become a charge upon the State.

ARTICLE X. The present convention shall be ratified, and the ratifications shall be exchanged at Honolulu as soon as possible.

ARTICLE XI. The present convention shall take effect immediately upon the exchange of the ratification thereof, and shall remain in force for the period of five years; and thereafter until six months' previous notice shall have been given by one of the contracting parties to the other of its intention to abrogate it.

In testimony whereof, the respective plenipotentiaries have signed the present convention in the English language, and have hereunto affixed their seals.

Done at the city of Tokyo this 28th day of the first month of the nineteenth year of Meiji, corresponding to the 28th day of January, in the eighteen hundred and eighty-sixth year of the Christian era.

R. W. IRWIN. [L. s.]
INOUE KAORU. [L. s.]

Now be it known that the above convention has been duly ratified by His Majesty the King and His Imperial Majesty the Emperor of Japan, and the said ratifications have been duly exchanged.

Therefore the said convention has become a part of the law of this Kingdom, and all the provisions thereof are to be observed accordingly.

[L. s.] WALTER M. GIBSON,
Minister of Foreign Affairs.

FOREIGN OFFICE, *Honolulu*, March 8, 1886.

Are these treaties inimical to Japanese interests as those interests are interpreted by the present philanthropic possessors of the country? Is the prevailing Hawaiian dynasty struggling to aid the laboring man? The Dole Government is not by any means solicitous for the welfare of the laboring man. A large number of contract laborers from Japan have been provided ever since the disturbance which resulted in the exclusion of some 800 Japanese in 1897. Two thousand contract laborers had been given permission to land by the board of immigration of Hawaii several months ago. The penal laws of Hawaii, published by authority in 1897, are in some respects interesting reading. I have compiled very briefly portions of these laws which I think bear upon the subject, covering a couple of pages nearly.

Section 1566 inhibits the importation of contract labor unless upon permission of the board of immigration, but section 1570 of the same code is in these words:

Sections 1566 to 1569 shall not apply to immigration of laborers under contract under the provisions of the convention between this country and Japan on January 28, A. D. 1886.

This treaty contains a clause allowing either party to abrogate it upon six months' notice; but the Dole Government makes no attempt to do so, and not only continues contract labor in the islands, but such labor is subject to regulations savoring of slavery.

The following sections of the Hawaiian penal laws disclose the situation quite correctly:

SEC. 1383. All engagements of service contracted in a foreign country, to be executed in this, unless the same be in contravention of the laws of this, shall be binding here: *Provided, however,* That all such engagements made for a

longer period than ten years shall be reduced to that limit, to count from the day of the arrival of the person bound in this Republic.

SEC. 1384. If any person lawfully bound to service shall willfully absent himself from such service without the leave of his master, any district magistrate of the Republic, upon complaint made under oath by the master, or by anyone on his behalf, may issue a warrant to apprehend such person and bring him before the said magistrate; and if the complaint shall be maintained, the magistrate shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.

SEC. 1385. If any such person shall refuse to serve according to the provisions of the last section or the terms of his contract, his master may apply to any district magistrate where he may reside, who shall be authorized, by warrant or otherwise, to send for the person so refusing and, if such refusal be persisted in, to commit such person to prison, there to remain at hard labor until he will consent to serve according to law. And in case such person so bound as aforesaid shall have returned to the service of such master in obedience to such order of such magistrate, and shall again willfully absent himself from such service without the leave of his master, such district magistrate may fine such offender for the first offense not exceeding \$5 and for the second offense not exceeding \$10; and in default of payment thereof such offender shall be imprisoned at hard labor until such fine is paid; and for every subsequent offense thereafter the offender shall be imprisoned at hard labor not exceeding three months, and at the expiration of any such imprisonment such magistrate shall order such offender to be restored to his master to serve for the remainder of such original term of service.

Mr. President, these provisions are the law, and those who are opposed to slavery will note that these resolutions do not repeal these infamous statutes, which are no doubt valid under the decision of our Supreme Court in *Robertson vs. Baldwin* (165 United States, 275) wherein it was determined that compulsory service of deserting seamen in fulfillment of their contracts is not in violation of the thirteenth amendment of the Federal Constitution, which prohibits involuntary servitude; that no service which becomes involuntary during its continuance is antagonistic to that amendment.

Mr. President, it is asserted that the Dole Government has changed its views and that the coffee and sugar planters would prefer to pay high wages to white labor rather than lower wages to the Mongolians. I doubt this statement. The *San Francisco Chronicle*, a very prominent California paper favoring annexation, published a brief and significant article under date of April 2 of the present year, which I will read:

CONTRACT LAW THEIR SALVATION—PLANTERS SAY ITS ABOLISHMENT WOULD MEAN THEIR RUIN.

HONOLULU, *March 24, 1898.*

The sugar planters are up in arms against a bill now pending in the Legislature providing for the abolishment of the labor-contract system now in vogue, by which a laborer who deserts from a plantation can be arrested and thrown into jail until he is willing to return to his work and have all costs of his capture and detention assessed against him. The planters say that under the present condition the abolishment of the penal-contract law would mean the utter ruin of every plantation on the islands. At a meeting of a committee representing the Planters' Association and the House committee, to which the bill was referred, such men as John H. Hackfeld, W. G. Irwin, F. M. Swansey, C. Bolte, and H. Renjes were present, and all expressed the opinion that the passage of the bill would deal a death blow to the sugar industry.

The planters explained that the laborers brought to Hawaii are picked from the lowest classes in Japan. It is necessary to advance from \$150 to \$150 to each laborer to get him here. If, when he arrives, he can not be held to his contract, the plantation not only loses the man but the money invested in him.

Mr. President, our annexation friends do not intend to repeal these odious enactments.

Mr. President, I have already mentioned the fact that there were a certain number of Chinese laborers excluded by order of the

Dole Government and that afterwards a larger number were permitted to land. It must be remembered that the 800 whose advent was inhibited were not of the lowest class. They were ordinary persons, seeking the rights of ordinary immigrants; but the 2,000 who were afterwards permitted to come in were contract laborers and were allowed to appear in the islands because they were needed for servile purposes at a maximum rate of \$15 per month.

Another matter worthy of consideration is this:

It is confidently stated that if we do not annex the islands, Japan will flood them with immigrants. It is therefore important to look over the history of the past. The immigration for the period 1889-1893 was 1 to 15, as contrasted with 1893-1897.

In other words, there were nearly seven times more immigrants landed during the former period than during the latter.

It has been asserted that laborers would appear from ill-paid European regions. This is answered conclusively and briefly: Between 1875 and 1880 a few natives were brought from Norway to Hawaii. The experiment was never repeated. Had it been successful the hardy, frugal, industrious, money-saving toilers of Norway would have gladly sought the benefits of Hawaiian settlement. Germany, or rather a few German immigrants, made the same effort shortly afterwards, and were even less successful, and no similar expedition was afterwards attempted.

THE STATUS OF HAWAII WHEN ANNEXED.

To the objection that Hawaii is too remote for a State, and should not have privileges of statehood for various reasons, it is replied that nothing of the kind is contemplated, or will in any event happen. If not, why not?

The joint resolution declares: "The Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States, and are subject to the sovereign dominion thereof," etc.

The resolution also provides that the President shall appoint five commissioners, two of whom shall be residents of the islands, and who shall recommend to Congress proper legislation.

Senator MORGAN, in the San Francisco Examiner of October 20, 1897, in speaking of an address which he made to the Hawaiian people, says:

"They were always in fear of a negro invasion from this country to crowd them out of their work. These fears have been removed. I tried, successfully I think, to show them that once the islands were annexed all of its citizens would become citizens of the United States, with the same rights before the law as myself or any other American. All the natives are Hawaiian citizens, and their status as citizens will not be disputed; on the contrary, it becomes a part of the United States. * * * Supposing annexation is accomplished, Congress, through a commission of two Hawaiians and three Americans, will decide whether it shall be a Territory or an independent State. If a Territory, the United States could do nothing wiser than to retain President Dole," etc.

While the distinguished Senator from Alabama was in the islands recently he at several times asserted that citizenship would be conferred upon the natives as soon as annexation was accomplished, and, as reported by the Hawaiian press, he was very positive in these utterances.

And from the nature of things it is manifest that statehood is in prospect. Senator MORGAN, in a letter addressed to Mr. James K. Kaula and published in the Honolulu Independent of October 19, says: "Nor could we in any event accept Hawaii as a dependency or colony. We have no such powers under our Constitution."

Those who believe that it is impolitic to annex any territory as remote as Hawaii, with the prospect of statehood in front of us, can not afford, without doing violence to their convictions, to support the present scheme. Annexation means possible statehood. This can not be denied. When political exigencies require it, some party, not more anxious for power than such organizations have heretofore been, will bring about the election of two Senators from this mid-ocean State.

Mr. President, I have referred to these statements made by the distinguished Senator from Alabama not in any spirit of criticism, but merely to disclose the view of a very eminent man, one who has been a leader in this matter, at least one of the leaders,

indicating what we have a right to expect, showing that a strong, powerful, and well-considered sentiment already favors the incorporation of Hawaii, with its 109,000 miscellaneous people, into the fraternity of States. This indicates in the plainest and clearest way the danger that is impending.

ANNEXATION SHOULD NOT BE ACCOMPLISHED WITHOUT CONSULTING THE PEOPLE.

Mr. President, I said in commencing this discussion that one objection entertained in the best of faith by those of us who oppose annexation is the fact that we do not believe the people of the Hawaiian Islands should be brought into the United States against their consent.

THE TEXAS CASE.

We have been several times referred to the conduct of other governments, and the Texas case, so often cited by the opposition, is here referred to again. But the Texas incident confirms my statement:

The constitution of Texas provided (Schedule, section 5, House Executive Document 16, Twenty-ninth Congress, first session) that immediately after the adjournment of the convention by which it was prepared "the President of the Republic shall issue his proclamation directing the chief justices in the several counties of this Republic, and the chief justices and their associates are hereby required, to cause polls to be opened in the respective counties," etc., * * * "for the purpose of taking the sense of the people of Texas in regard to the adoption or rejection of this constitution, and the votes of all persons entitled to vote under the existing laws or this constitution shall be received," etc.

The constitution contained an explicit acceptance of the provisions of the joint resolution for annexing Texas to the United States. (*Id.*, page 2.)

The Texas constitutional provisions with relation to voting were as follows (*Id.*, page 4):

SEC. 1. Every free male person who shall have attained the age of 21 years, and who shall be a citizen of the United States, or who is, at the time of the adoption of this constitution by the Congress of the United States, a citizen of the Republic of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city, or town in which he offers to vote (Indians not taxed, Africans, and descendants of Africans excepted), shall be deemed a qualified elector; and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer: *Provided*, That the qualified electors shall be permitted to vote anywhere in the State for State officers: *And provided further*, That no soldier, seaman, or marine in the Army or Navy of the United States shall be entitled to vote at any election created by this constitution.

SEC. 2. All free male persons over the age of 21 years (Indians not taxed, Africans, and descendants of Africans excepted) who shall have resided six months in Texas immediately preceding the acceptance of this constitution by the Congress of the United States shall be deemed qualified electors.

The joint resolution of Congress for annexing Texas was adopted March 1, 1845, and in the preamble it is provided that Texas may be erected into a State with a republican form of government to be adopted by the people of that Republic.

After this resolution went into effect and on the 13th day of October, 1845, an election was held in the several counties of Texas in which the subject of ratification or rejection of annexation, in accordance with the joint resolution, was directly voted upon, and the result was 4,245 votes in favor of annexation and 267 against, and at the same time there were cast in favor of the adoption of the constitution 4,172 votes and for its rejection 312 votes. (*Idem*, page 26.)

And on the 10th day of November Anson Jones, the President of Texas, issued his proclamation reciting that the polls were opened on the 13th of October for the purpose of taking the sense of the people of Texas. On December 10, 1845, Mr. Douglas, from the Committee on Territories, reported a resolution for the admission of Texas, as follows:

"Whereas the Congress of the United States, by a joint resolution approved March 1, 1845, did consent that the territory properly included within and rightfully belonging to the Republic of Texas might be erected into a new State, to be called the State of Texas, with a republican form of government

to be adopted by the people of the said Republic by deputies in convention assembled, with the consent of the existing Government, in order that the same might be admitted as one of the States of the union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and

"Whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing Government, did adopt a constitution and erect a new State with a republican form of government and in the name of the people of Texas, and by their authority did ordain and declare that they assented to and accepted the proposals, conditions, and guaranties contained in the said first and second sections of said resolution; and

"Whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

"Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America and admitted into the Union on an equal footing with the original States in all respects whatever.

"Be it further resolved, That until the Representatives in Congress shall be appointed according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives."

There are two features connected with the Texas case which deserve particular consideration. The first of these are the reasons actuating Congress, and the second the care that was taken by both Governments to act in accordance with the will of the people of the territory proposed to be annexed.

President Tyler, in his message of June 10, 1844 (4 Richardson's Mess., etc., page 323), alludes to Texas as "a Republic coterminous in territory with our own," and he also uses the expression "a territory settled mostly by emigrants from the United States, who would bring back with them in the act of reassociation an unconquerable love of freedom and an ardent attachment to our free institutions."

Again he says (page 326): "If annexation in any form occur, it will arise from the free and unfettered action of the people of the two countries."

Thus it will be observed that President Tyler deemed it of importance to direct the attention of Congress to the contiguity of the territory in question and to the fact that the same was mostly settled by emigrants from the United States; not, as in the present case, a mere handful of Americans; not a small minority of the people, but, on the contrary, the most of the people; and he was careful to qualify all his statements by the assurance that no annexation would be tolerated which was not in consonance with the "free and unfettered action of the people of the two countries."

The proposed Texas treaty of annexation commences with this recital:

"The people of Texas having, at the time of the adoption of their constitution, expressed, by an almost unanimous vote, their desire to be incorporated into the Union of the United States," etc.—*House Executive Document 271*, Twenty-eighth Congress, first session, page 5.

In this connection I refer to the following extract from the letter of Messrs. Van Zandt and Henderson to Mr. Calhoun, (*idem*, page 13):

"In 1836, after the declaration of the independence of Texas, in pursuance of the orders of the convention and the expression of the popular will, the president ad interim, by his proclamation, ordered an election to be held throughout the Republic for the ratification or rejection of the constitution which had been adopted by the convention and for the expression by the people of their wishes in regard to the annexation of Texas to the United States. The result was that upon a full poll but 93 votes were given against annexation."

It will be noted that there was no limitation to the exercise of the right of suffrage, as far as the free people of Texas were concerned. In fact, the proclamation mentions no limitation.

See also message of President Tyler, of date April 22, 1844. (4 Richardson's Messages, etc., page 309.)

The general distinction to be observed as to our acquired territory and Hawaii is thus pointed out by Judge Cooley (15 Forum, page 399):

The acquisition of Louisiana was made memorable in a constitutional point of view by the fact that the President who managed the negotiation and brought it to a successful conclusion did not believe that any power existed under the Constitution for making the purchase.

Mr. Jefferson saw very clearly the vast importance of what he undertook

to do. It would add to the United States a great extent of territory which was already becoming important in order to provide for the emigration going on from the existing States into the interior. It would rid us of an undesirable neighbor at the west. It would give us the Mississippi as a highway for the commerce of the interior with the outer world. It would secure its outlet as the entrepôt of the trade of the world with our Western people; and it would relieve us forever from the danger that by and by the inhabitants of the Western Territories would sever their connection with the Union and unite in forming a great republic upon the rivers which would constitute their chief international highways.

This was the prize to be attained; but the Constitution, in his view, had made "no provision for our holding foreign territory and still less for incorporating foreign nations into our Union." Under the circumstances, he thought the emergency should be met by first making the purchase and then appealing to the nation "for an additional article in the Constitution approving and confirming an act which the nation had not previously authorized." He would have had this done as quietly as possible, avoiding public discussion, but "shutting up the Constitution for some time" until the purchase was made. The Federal politicians of the day took what advantage they might of his scruples and made all the opposition they could; but statesmen like Hamilton and Gouverneur Morris refused to make this a mere partisan question, and, while they made light of Mr. Jefferson's scruples, did all they could to favor the purchase. That it was an act of the highest wisdom no one at this day has the slightest doubt, and we think we may fairly assume that Mr. Jefferson, after it had once been accomplished, felt but lightly the scruples he had felt at the outset, for when he found that his party did not share in them, he ceased to insist upon the necessity for amendment to the Constitution.

Every foot of the territory acquired in the Louisiana purchase was not only needed to provide for the natural and inevitable expansion of the settlement then going on in the territory of the United States, but it also fitted perfectly into the American system, and the purchase brought nothing of a discordant nature into the existing Union. The domain purchased would be formed into Territories with suitable governments as the needs of its growing population should require, and these Territories would in time become States. There was at the mouth of the Mississippi a considerable settlement of people of another race from those who had colonized the existing States, but they were Europeans, and there was no question that in time they would become, as American citizens, an element by no means incongruous or undesirable. There is no ground whatever for question that had the condition of things which confronted Mr. Jefferson at the time of the Louisiana purchase been foreseen when the Constitution was formed, the wisdom of leaving it to be dealt with by the Government as it was in fact dealt with would have been doubted by no one.

What has been said regarding the acquisition of Louisiana is equally applicable to the treaty for the annexation of Florida. Here, again, was a case of territory bordering upon that of the Union, in the hands of a foreign nation, but needed to provide for the gradual expansion of the population of the Union, and certain in time to become the property of the Union, either peaceably or by the lawless action of those who would covet it and who would seem to the people of the United States to be its natural and proper proprietor. It was purchased for incorporation into the Union in the regular and ordinary way, and the opportunity was also taken advantage of to extinguish claims on the Pacific coast which were likely in time to become troublesome. Everything that was done in these two cases tended to perfect the work of the founders of our institutions instead of bringing in any element of discord or incongruity.

* * * * *

In regard to the country itself, we may repeat here what has already been said in respect to Louisiana and Florida. Its acquisition brought no incongruous element into the Federal Union. A State was brought in, being admitted to the Union on an equal footing with the other States. The population was homogeneous with our own; its institutions were similar to those which prevailed in the other States of the Union. Nothing was done; nothing was promised; nothing was contemplated in the annexation that was not perfectly harmonious with our existing system. The treaty as formed looked to the acquisition of territory that already constituted an established State, and it was upon this basis that the negotiations completed by the action of the two legislatures proceeded. The State, it was agreed, might be divided into other States, but there was nothing here that looked to anything but the final incorporation of States into the Union on precisely the same terms with those already constituting members of the Union. The State annexed bordered upon States already admitted to the Union, and if it could have been acquired honorably and without taking upon ourselves a war with a country with which we had ourselves no quarrel, it would doubtless be

agreed without dissent by our people that annexation ought to have been assented to.

In the year 1867 our Government, under the exercise of the treaty-making power, acquired the country known as Alaska. This country bordered upon territory which upon plausible reasons we had claimed to own, but which in the settlement of our northwestern boundary with Great Britain had been assigned to that power. It was therefore not at the time of its acquisition strictly contiguous to any territory of the United States. It was nevertheless upon the continent; it was not very far away; it was unoccupied except by a race of savages; it would be open to occupation by the American people, and in due time, if sufficient population should be found there, would be provided with a territorial government and might become a State of the American Union without seeming to conflict especially with what we hereinbefore have claimed to be the true rule of constitutional construction on the subject. Had it been annexed previous to the settlement of the Oregon boundary no one could have raised any question of constitutional propriety.

Mr. President, the statement thus made is sufficient to demonstrate that in the case of Texas the greatest care was exercised to ascertain the will of the people, and, as I before remarked, the mere fact that the Dole Government may have the technical authority to annex should not be of particular importance to us, for the act which we are seeking to do is not merely a legal act, but should be a highly moral act, and we can not afford to compel these people to come into this Republic. They must not be unwilling collaborators. We have the physical power to do it, but the right which is based upon conscience is of a different nature.

Although I have already considered the constitutional aspects of annexation, I wish to call attention to the thirty-second article of the Hawaiian constitution, wherein the power is given to effect—what? Not annexation, but a political or commercial union. What is a political union? Is it necessarily annexation? The views of international law writers upon the power to accomplish annexation are to some extent thus expressed by Mr. Woolsey:

If the power of a sovereign or of a government is limited by a ground law, written or unwritten, a treaty can not override the constitution. No one can lawfully exercise power which does not of right belong to him. Thus, under constitutional forms, where the treaty-making power is placed in particular hands, no others can exercise it, and where it is limited in extent it can not be lawfully exercised beyond that limitation. Where, however, an unlimited power of making treaties is given to a government, or to some department of it, the public domain and property may be alienated or individual rights may be sacrificed for public purposes. And yet even the most absolute despot may make treaties which neither his subjects nor third powers ought to regard as binding. Could the house of Romanoff, for instance, resign the throne of Russia to whom it pleased? The true view here is that the province of absolutism is not to dispose of the national life, but to maintain it without those checks on the exercise of power which exist elsewhere. No power, however uncontrolled, was given to destroy a nation or can lawfully do so.

An interesting inquiry here arises, whether the treaty-making power in a federative union like the United States can alienate the domain of one of the States without its consent. Our Government, when the northeastern boundary was in dispute, declared that it had no power to dispose of territory claimed by the State of Maine. "The better opinion would seem to be," says Chancellor Kent, "that such a power of cession does reside exclusively in the treaty-making power under the Constitution of the United States, although, a sound discretion would forbid the exercise of it without the consent of the interested State. But it might be asked whether the treaty-making power is not necessarily limited by the existence of States, parties to the confederation, having control for most purposes over their own territory? Could the treaty-making power blot out the existence of a State which helped to create the Union by ceding away all its domain? Such fearful power was never lodged in the General Government by the Constitution and could never be lawfully exercised in the ordinary contingencies of the confederation. Only in extreme cases, where the treaty-making power is called upon to accept the fact of conquest or to save the whole body from ruin by surrendering a part, could such an exercise of power be justified. (Comp., sections 53, 161.)

Mr. President, we have been in the habit of alluding to our Government as one of delegated powers, and we have claimed heretofore that the Congress has no authority except that confided to it either directly or by necessary implication by the Constitution. I suppose that any lawyer in this Chamber would, if he were not called upon by the political exigencies of the moment to vote in favor of the joint resolution, admit that under the Hawaiian system the power to alienate that nation does not repose in the legislature or the treaty-making authority unless it is so ordained in her organic law, and yet the constitution of Hawaii, as I have pointed out, only gives authority in respect to political and commercial union to be exercised by treaty, and there is not one word anywhere, unless it is found in the treaty-making provision, which I gravely doubt, authorizing denationalization.

It will not be presumed that a people under republican forms ever organize a government for the purpose of granting the entire country to another. The agency created through the constitution and laws must be regulated and controlled by them. No nation ever made a constitution or passed an act through its legislature or elected a legislature with the intention that that legislature should destroy the nationality. For the first time we are to accept the unauthorized act of the Congress as binding not only on ourselves but also upon Hawaii.

We are confidently informed that if the President of that Republic and his Legislature make no objection, that the country is ours, regardless of their constitution. Mr. President, if Senators would calmly reflect upon this situation the pending resolution would be consigned to the waste basket, where it belongs.

Mr. President, passing from this to another subject, I wish to call the attention of the Senate to the argument made to some extent here to-day, that as Hawaii is small its annexation will not amount to a very great deal. It is no doubt true that the Republic of Hawaii is comparatively insignificant, but its absorption will nevertheless as completely establish our repudiation of the Monroe doctrine and of other theories of government heretofore adopted as though it covered a much greater area and was tenanted by a much more numerous and powerful population. Every vast change has had a small beginning. Our independence was a matter of growth, and no one doubts that because of our success numerous monarchical establishments were destroyed and upon their ashes free governments arose. If we can annex these islands, we can take in any spot in the world under the same claim of right.

In illustrating this phase of the question, Senator Morehead, of Kentucky, during the Texas discussion, said:

He might be told that these were extreme cases. So they were; and he should not have introduced them but for the sake of illustration, and they did illustrate the principle contended for and showed plainly the extremity of the proposition contained in the resolution from the House. If Cuba and Haiti and Liberia were received, we might soon have an application from China. We had had lately a brilliant mission to China and had become acquainted with many things before unknown touching the Celestial Empire—the land of flowers. Very possibly we might become captivated by the beauty of their long tails and slanting eyes and wish to have among us their ladies with little feet.

The annexation of an empire so large as China would, perhaps, go pretty far toward gratifying our appetite for acquisition of foreign territory. We might then go south on our own continent, annex Mexico [this was already threatened], and annex Bogota, and Bolivia, and Peru, and Chile, till at length we took in Patagonia. We were told by the geographers that the people of

Patagonia were cannibals, or, in other words, man-eaters. Very well; if they were, it might probably exert a conservative influence on the public councils, and the annunciation from the Chair of "the Senator from Patagonia" might well cause gentlemen to be extremely orderly. China—only think of it!—the Ultima Thule of the East! What a temptation to have her in this Union! What a privilege! The glorious privilege of our Constitution, that we could take in the world!—*Congressional Globe and Appendix*, Twenty-eighth Congress, second session, 1844-45, page 281.

THE DANGER OF THE EXAMPLE.

Mr. President, the point of this reference is that if we commence this work of expansion and accretion there will be no limit. The taste of conquest is dangerous. It may be well enough for any Senator to say that, after all, the annexation of so small a country is immaterial; that we would not seize a larger country similarly situated. But experience shows that this argument is valueless, and that the very vote which is given by the distinguished Senator from Massachusetts who has so eloquently addressed the Senate to-day in favor of the resolution will be referred to as authority and be declared to be worthy of the greatest consideration in maintaining the theory that the Philippine Islands and other parts of the world are to be permanently acquired.

Mr. President, in this body, among the most eloquent and able Senators who favor annexation are to be found those who have urged, as I said the other day, that wherever the American flag is raised it must forever remain. They will be sure to take advantage of this precedent. When a treaty of peace with Spain is being negotiated the consequences of Hawaiian annexation will be manifested.

This is the first step—the dangerous step—in the direction of territorial expansion. If there ever was a time when we should proceed slowly in such matters, that time is now. To-day, in the midst of the great triumphs of our arms; to-day, when everywhere in our land rise voices of praise and thanksgiving for the wonderful battles we have won, we must not be deaf to the circumstance that intense enthusiasm is not productive of the wisest conclusions, and that in the midst of the excitement incident to military success there is but little opportunity or ability to solve those numerous problems of free government which encompass the victorious Republic.

Mr. President, in times when nations are struggling for life, when they are being emancipated from oppression, when they are admitted to the broad light of freedom and breathe again that invigorating air of liberty of which they were so long deprived—in those moments they understand the meaning of tyranny, and they know full well the distinction between civil government exercised and based upon the people's will and that which springs from military power.

However virtuous men may be or may have been, however great their intellectuality, however superior their education, when they are suddenly invested with plenary jurisdiction and have the authority to dominate their fellow-men, the temptation is ever too great and they yield to its seductions. Hence the danger of vast military establishments and the necessity for thorough separation between the civil and military departments. When this Government was first organized and had around it and within it nothing save that which told of human rights vindicated and oppression subverted, it was far differently situated. But two or three years ago, but four or five months ago, we did not

hear Senators clamoring for extension and expansion and for immense navies and armies.

OUR HOMOGENEITY IMPORTANT.

Mr. President, is the homogeneity of the American people worthy of consideration? What is it we most need in solving the problems of domestic government? We require not only that cohesion which draws together the whole in an effort to preserve its every part, but we must have that moral sympathy and that moral strength which can only emanate from a people sufficiently educated to appreciate the basic principles of their government, sufficiently courageous to defend them, and sufficiently impartial to deal out to each other and to all men that justice upon which alone human institutions can permanently rest.

Mr. President, see the problems which constantly confront American people. From the Atlantic shore to the Pacific Ocean we have a common people. We are used to regard ourselves as such. We speak of a common interest, of a common heart, and of a universal aspiration. We speak of these as the result of that educated development of just minds which has eventuated in the formation of a character and a capacity adequate to meet the grave necessities of self-rule.

Yet, while that is true, do we not find wide diversity of opinion in this Republic? Do we not find in Massachusetts, for instance, a great difference of opinion as to financial matters as contrasted with the sentiment on the same topic that prevails in the State of Colorado? Do we not find certain parts of this country striving for the prevalence of theories in which they honestly believe, and which they enforce with great intellectual vigor? And do we not find in another part of this same land violently antagonistic notions upon that identical topic?

And yet, sir, if this be true in this country of education, in this land where the schoolhouse and the church rise, where we are taught together and breathe the same atmosphere, where from ocean to ocean the railroads and other means of transportation carry us day by day, and where the constant intermingling of every class tends to dissociate from all anything in the nature of prejudice or sectionalism—if this be true here in our well-beloved Republic, what is to be the condition of things if we summon among us millions—not merely hundreds of thousands, but millions—who not only are not masters of the theories of civil government, but who, Mr. President, know less of it than the child who toddles at your knee?

I wonder that anyone who feels a deep and abiding interest in his country will decline to pause a moment over this consideration. Is it contemplated that we are to educate newly imported races and that after years of trouble and difficulty they may be raised to our level? Have we attained perfection in government? Have we solved all its grave and momentous difficulties? Are we prepared to say that we possess not only the government par excellence, which we do assert, but that there is no more for us to do, that the superlative has been reached, that there is no other question now important enough for us to solve, and that we must go forward as republican missionaries throughout all the nations to instill lessons of freedom and that reverence for law which we inculcate and in which we believe? Are we prepared to assert this? Surely not.

There is scarcely a Senator here who does not look forward to

the near future as pregnant with grave contentions among our own people, not battles with the sword, but battles of intellect, battles of mind, battles where men earnestly and honestly contend for mastery as to principles affecting even our governmental structure. Shall we, thus confronted by these domestic problems, thus meeting day by day these grave issues, demanding our best thought and our most patriotic effort, affiliate with the ignorant, venal, and savage, living far removed and alien to us in language and ideas?

Will the Malay make a good citizen? I do not think so, notwithstanding encomiums passed upon him. Obliteration will come finding him not qualified to be of us. He should never be elevated to the position of American citizenship, and no country tenanted by incompetents should ever be acquired for permanent occupancy. The Negrito must share the same fate. Not every clime, not under every sun, not in the home of every race can the American citizen be found.

He dwells where natural gifts and the advantages of education and free exercise of his best faculties lead him to see the best and to do it. He belongs to a dominating type. It must be through the processes of evolution, not born in legislative halls and that do not spring from the sudden thirst of power on the part of an armed people, that men may be disciplined for freedom. In this day and generation, when we hear the approach of momentous questions, we are told that we must depart from tried paths and proceed into an undiscovered country.

Mr. President, the following may be considered to some extent a summary of the positions which I have taken here. First, as to the statement that our policy has always tended toward annexation. This is untrue. Jefferson declared that we should never accept any territory requiring a navy to defend it. Webster, while asserting that we had peculiar interests in the islands, expressly disclaimed any intention of annexation. Presidents Tyler, Taylor, Fillmore, etc., held the same views. Marcy at one time favored annexation, but the scheme was not carried out, and his latest expression on the subject favored maintaining their independence. When Mr. Frelinghuysen was Secretary of State he adopted Jefferson's view against extracontinental acquisitions.

Second, that we need Hawaii for military purposes. It is difficult to see how such an addition to our country could otherwise than weaken us. We are now but moderately defended, both as to fortifications and naval development. Admiral Walker testified before the Senate Committee on Coast Defenses that in case of war with a great maritime power our Navy would be inadequate.

Its splendid achievements at Manila and Santiago in nowise detract from the correctness of that assertion, nor can we question that if we are to proceed to develop ourselves as an all-conquering power our Navy must be many, many times augmented. While vast improvement has been made, our Navy is not perfect. Everybody admits that Hawaii would require naval defense. We are not protected as it is. Will it help us to take in something new also demanding defensive expenditures?

It would cost not less than \$100,000,000 to properly "protect" Hawaii. The town of Honolulu is located on the Island of Oahu and Pearl Harbor is also on that island. Admiral Belknap says that Honolulu can be well defended by fortifications costing \$5,000,000. General Schofield reported officially to the Depart-

ment that it could not be defended from the land and would be useless as a naval station for that reason. Schofield reported in favor of Pearl Harbor. It will, in any event, take much money to fortify these two places, to say nothing of naval repair shops and sites for same, docks, etc. (We have no adequate docks anywhere.) But when these two harbors are fortified, what have we got? A partial protection of one island containing only about 600 square miles. There are six other inhabited islands, some of which are much larger than Oahu, viz, Hawaii contains about 4,000 square miles, and Maui and Lanui are much more extensive than Oahu. Moreover, the islands are not closely grouped.

The distance between their extremes is some 400 miles. While there are no extensive harbors outside of Honolulu and Pearl, there are yet landing places on each island. Especially is this true of Hawaii. At Hilo there is a wharf in process of construction. Unless a navy capable of successfully meeting any hostile force that may be sent is maintained and retained at the islands they can not be held, even if Pearl and Honolulu harbors are fortified. These ports would be blockaded and a naval station established by the enemy at some other port. The defending navy must protect the very long coast lines of the group, and must patrol 400 miles of water, without taking into consideration the deflections necessary in managing vessels sent from one coast to the other.

The extent of the navy rendered thus essential is problematical. It would depend upon the resources of our enemy. Something over one year ago the English budget showed \$100,000,000 appropriated for naval purposes for a single year. The vessels to be constructed with this will form but a small part of the British navy; and if we assume that \$100,000,000 worth of hostile fleet is sent to Hawaii, we must be able to prevent a landing and must, consequently, have at least enough there to defeat an establishment by the enemy at any point of a naval station or the placing of any considerable body of men on shore. If we were contesting with England, \$100,000,000 would not be enough with which to start our island defenses. That sum might do were we contesting with Germany, France, Japan, or Russia. Then, have we the supplies necessary to maintain an army and navy?

In the testimony given by General Schofield before the House committee he referred to the possibility of employing natives of Hawaii to defend the island, but when those natives permitted the few individuals who took possession of the island and overturned the former Government to take that remarkable step, when they have permitted that Government to be maintained in spite of their own numerical strength, it is absolutely useless to talk to me or I think to anyone, with effect, as to the ability of the natives to defend anything.

Mr. President, I have heard a great deal about the value of allies in the prosecution of war. I heard a great deal of it in this Chamber for a couple of years when I was unable to vote for the alleged patriotic resolutions, which I did not think patriotic, regarding other people who were in insurgency, and I then said that whenever the American soldier planted his foot upon foreign soil, contesting for dominion, he, under the Stars and Stripes, must win his triumph and that his auxiliaries would be of comparatively little account. Upon a broken reed would this Government rest if she depended upon the natives of Hawaii to defend Hawaii in case of foreign invasion. She must rely upon her own gallant sons, and their

blood and their sacrifice alone can maintain her dominion in that distant sea.

Here, as illustrating what I said a moment ago—and I mention it now lest it may escape my observation—no one has a higher regard—and I repeat it—for our soldiers and sailors than have I, but they are not the men to whom our Constitution has intrusted the maintenance or carrying on of civil government. They are not the men who in any age or in any time have been safely given the investigation of those questions which involve the perpetuity of republican institutions. Wise and strong and able and brave though they are, brilliant and magnificent their victories, glorious the pages upon which their deeds are written, yet not to them has been conferred by our wise organic law the duties of the statesman.

Mr. President, when Admiral Belknap was testifying some time ago before the Committee on Foreign Relations of this body, he said:

Great Britain now has Puget Sound, which she ought not be permitted to hold a single day, in my judgment.

I refer to the report of the Senate Committee on Foreign Relations, February 26, 1894, page 687. If it be true that the testimony was given, and I presume there is no one who will deny it, for it is an official report, we find a very brave and distinguished officer, for whom all of us have the highest regard, asserting that England ought not to be permitted to hold Puget Sound for one minute.

I mention this as showing the different theories upon which the different officials of this Government proceed. Civil matters can not be safely intrusted to the military any more than military affairs can be assigned to civilians. What a peculiar declaration. As the result of an arbitration, which many of us and perhaps all of us here think did not reach a correct judgment, England acquired dominion on Puget Sound; and the Admiral's theory is that because it would be of great advantage to us to possess this region, we ought not to permit England to hold it for a moment. Again do I say that men, however brave and however able, who are engaged in vocations that tempt to conquest, are not good advisers in civil affairs.

When we have paid out enormous sums we have not strengthened our continental possessions at all. The Pacific coast is in as much danger as ever. We must have an Hawaiian squadron. The enemy will not move his ships to suit us. We can not leave the islands unguarded, because the foe may appear at any time. California is a long distance away, and the modern cruiser and battle ship can not go too far from a coaling station. We must defend California by a navy other than that employed at the islands.

Engineer in Chief Melville writes that the battle ship *Oregon*, which is one of our best war vessels, can run at forced draft, if there is no accident, and without recoaling, 2,400 knots. At ordinary cruising rates she could travel 5,040 knots. Under forced draft (16.79 knots per hour) she consumes 253 tons of coal per day, and she can keep this up six days. Under ordinary cruising rates (10 knots per hour) she consumes 73 tons per day, and can maintain this for twenty-one days.

The *San Francisco*, one of our best cruisers, can steam only 1,500 knots forced draft without recoaling, or 3.2 days, and at or-

dinary cruising rate she can travel 4,104 knots without recoaling. It is therefore evident that if the islands were in the possession of an enemy, that enemy would not send his cruisers or battle ships to California, for if he tarried to fight he would not have coal enough to get home and would float around helpless and useless. The sample cruiser and battle ship which I have named are about as good as any—at all events, above the average. I have made these estimates upon the most favorable showing the vessels have ever made. I have no doubt, however, that practically my calculations are too high, as the average ship seldom comes up to the specifications after the actual trial has been made.

Some one said in the House of Representatives that a battle ship of the first class could not be sent safely across the ocean. We have negatived that in the case of the *Oregon*, but because of numerous places at which she was able to coal. As a rule, this is no doubt true. No one would care to encounter a typhoon in a battle ship if she did not have an ample supply of coal.

The above proves that a naval warfare can not be carried on with a base of supplies as distant as Hawaii.

We are told that Honolulu "looks right into" the proposed Nicaragua Canal, and will be necessary for the defense of Brito, the western terminus of the canal. That this is all "moonshine" will appear when it is shown that Honolulu is 4,210 miles from Brito, while San Diego, where we are now erecting a fortification, is only 2,200 miles, and San Francisco only 2,700. Therefore it is palpable that, as San Diego is over 2,000 miles and San Francisco about 1,500 miles nearer Brito than Honolulu, the California points, not Honolulu, must be relied upon. If Hawaii were in possession of an enemy, he could never send a modern battle ship or cruiser to Brito and "stay in a fight," even to say nothing of getting back. His coal would give out and we would tow him into port.

I repeat in shorter form the figures which I have already laid before the Senate in this connection, epitomizing merely what I have said.

We are informed that Honolulu is on the track of oriental commerce and that all vessels from Europe or Atlantic ports, after going through the canal, will make direct for Honolulu, and from there to Yokohama, and that therefore we need the islands to protect canal commerce.

The exact distance from Brito via Honolulu to Yokohama is shown on the official charts to be—

	Miles.
Brito to Honolulu.....	4,210
Honolulu to Yokohama.....	3,445
Distance from Brito to Yokohama via Honolulu.....	7,655

From Brito to Yokohama via San Francisco the distances are:

Brito to San Francisco.....	2,700
San Francisco to Yokohama.....	4,536
Distance from Brito to Yokohama via San Francisco.....	7,236

Hence distance via the San Francisco route is shorter by 419 miles.

Obviously this fact and the other consideration that San Francisco is a most important port will force practically all the canal Asiatic trade that way. This proposition is relied upon, and with

reason, by those who think that the canal will help California commerce. The shortest route from Brito to Yokohama passes within 176 miles from San Francisco and more than 1,800 miles from Honolulu. The shortest route from San Francisco to Yokohama passes near the Aleutian Islands and about 1,900 miles from Honolulu. Unless the mariner who uses the canal wants to kill time he will save 419 miles and go to San Francisco. He may save something more by passing within 176 miles of that city.

3. It is said that unless we take the islands some other government will capture them. In the first place, there is absolutely no evidence to justify this assertion. About half a century ago English and French officers, without authority of their Governments, made demonstrations against the islands. We protested, and England and France at once disavowed the unauthorized behavior of their agents and even offered to join us in securing their permanent independence.

We declined, no doubt, because of Washington's warning against entangling alliances; but England and France, to show their earnestness, made a mutual official declaration on November 28, 1843, by which they engaged "reciprocally never to take possession, either directly or under the title of protectorate, or under any other form, of any part of the territory," etc. Germany has not evinced the slightest desire to interfere, and the same is true of Russia. As to Japan, there is no danger. A dispute as to damages for refusal to permit certain Japanese immigrants to land has arisen, but will be arbitrated. Japan is nearly 3,500 miles from Hawaii, and to defend Hawaii would require an enormous outlay, even more than would be required in our case.

An interesting review of this part of the situation will be found in an article by Minister Hoshi in the last November Harper, to which I have already referred and which is now in the RECORD at length. Japan has every reason to be friendly with us and we with that Empire. The enormous increase in the consumption by that country of our manufactures of steel and iron and of American flour and cotton and the large importation into the United States of Japanese tea, raw silk, etc., are sufficient to establish the absurdity of any talk of war by Japan for the control of Hawaii. If England, Germany, or France waged war against us, their financial institutions, which control to a great extent their policies, would be driven to the wall. The first gun fired at New York by either of these powers would shake Europe to its center and render it necessary to make a new map of that part of the world. If England were silly enough to fight us, she would operate, as far as the Pacific coast is concerned, from Esquimalt, which is on our borders and where she has one of the finest forts in existence.

For fifty years we have warned European powers away from the Hawaiian Islands. That warning has always been heeded. We are better able to take care of ourselves now than we were then. Where is there any new danger?

If it is necessary to build fortifications and guard the islands, why not improve Pearl Harbor, which was ceded to us by Article II of the treaty of December 6, 1884, by which we were given "the exclusive right to enter the harbor of Pearl River in the island of Oahu and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end

the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid?"

4. It is said that the abrogation of the reciprocity treaty will annul the Pearl Harbor cession. This I have already considered.

5. It is said that if we refuse to take the islands our position will be morally weakened. The contrary is true. Under the Monroe doctrine we do not claim or take nor would we have the South American republics or any of them. The same doctrine has always been applied to Hawaii and its application recognized by all powers. The strength of the Monroe doctrine consists in our abstention from conquest or absorption. We merely warn other governments not to oppress our sister republics. If Europe said to us, "Take Mexico, or we will take it," we would reply, "We will not do so, and you must keep your hands off." This long-defined and carefully regarded policy we apply to Hawaii. If, on the other hand, we shall begin the plan of absorption, we must get ready to take the consequences. Army and Navy must be indefinitely increased. Onerous taxation and centralization will follow. The Monroe doctrine becomes a thing of the past, a myth, a memory, a mistake.

Mr. President, in this connection let us reflect upon the consequences of our attitude upon those whom we have assumed to defend under the Monroe doctrine. In this Chamber we applauded—a most uncommon circumstance—when Mr. Cleveland sent in his remarkable message, in which, in maintenance of that doctrine, he threw down the gantlet to a mighty empire, and, though we were unprepared to face any first-class power, we did not flinch. England, taking a correct view of the situation, agreed finally to arbitration, and the incident was, so far as concerned the strained relations, happily closed, and we congratulated ourselves upon this acquiescence in that time-honored declaration.

Mr. President, does it not seem passing strange that at this day, so close to that hour when we were thus demonstrative in favor of that doctrine and declared in this Chamber that it was written so deeply and so firmly in our law that it had almost become crystallized in the Constitution itself—when we made that announcement just a few months ago, did anyone here suppose that we would soon threaten an opposite policy?

We said we would not even interfere with the possessions of foreign governments upon this continent, but that the Western Hemisphere must be consecrated to freedom, and that wherever liberty won in the battle she should remain intrenched and unsailed, and the armies and navies of the Republic would defend her against foreign aggression. But this day we are stretching forth for dominion elsewhere; we are abandoning this theory, because we can not with any face or conscience assert that no other nation has the right to invade the sacred precincts of this hemisphere, when we claim the right to go abroad and with the sword bring within our control alien races.

Mr. President, what will be the effect, I repeat, upon our sister republics on this hemisphere of this "manifest destiny" talk? They have looked upon us as their powerful guardian, adequate with our giant resources to shield them. They now see us breaking the moorings to which the ship of state was long since attached by patriotic hands and witness us about to engage in spoliation.

Mr. President, is it wonderful that we already hear murmur-

ings, not perhaps very loud, against this policy which we are advocating, murmurings emanating from this continent, from the very peoples with whom we have attempted to form alliances, with whom our statesmen have attempted to make closer relations, from our own hemisphere, from our sister Republics? Naturally the extension of empire will excite jealousy and fear here. If we are to abandon our preconceived and announced theories and go abroad in pursuit of conquests, well may our neighbors say that we are not their defender, and that perhaps they, too, are in danger.

Mr. President, this programme, which according to some we are about to outline and in the pursuit of which this is the initiative step, must infallibly bring upon us the condemnation or certainly the warm regret of every other American Republic. Let us pause a minute if we are to throw away the lessons of generations. If this doctrine has been builded up through so many years and has stood every test to which the truth can be subjected and has been found to be correct, let us not throw it aside in a moment. Neither in the storm of passion nor in the enthusiasm of victory let us discard it.

Remember that it was not conceived in haste and indiscretion, but that it was born of reflection by those who thought and worked for the benefit and advancement of their country. Not in the clash of arms or the sound of martial tread or the acclaim of contesting or victorious armies was this statesmanlike declaration announced. Mr. President, it will be long before I forget it. I do not arrogate any such knowledge as that which is professed by many, leading me to repudiate it as old and worn out. The truth, Mr. President, as well in matters pertaining to statesmanship and civil government as elsewhere, will last longer than one age. Senseless is he who ignores it.

Can we be indifferent, Mr. President, to the voice of those who live upon our continent? We may have power to do so, but the consequences of that indifference may be that instead of being the advocate and defender of free institutions we will become the marauder of nations.

6. It is claimed that annexation will be most beneficial to our laboring interests. This is untrue, and happily the absurdity of the claim is thoroughly appreciated by the laboring people of the United States, who have not hesitated, from their national assemblage to local meetings, to denounce the entire project. If Honolulu is a good place for white labor, why has not such labor gone there? In what direction is the new enterprise to be guided? Everybody concedes that our intelligent white people will not work in the cane fields.

Notwithstanding the talk with reference to the genial character of the climate, it is certain that a cane field is a real furnace. While the temperature runs from 50° to 90°, the very absence of extreme cold and intense heat results in a warm sameness enervating in the extreme. No climate that can produce coffee can be otherwise than unpleasantly warm. The absence of white labor establishes that there is no field for it. Sugar is the great industry. In the year 1897 over 500,000,000 pounds were produced. This is about enough to supply the whole population west of the Missouri River. We hear the claim often that the limit of production has been reached. The same assertion was confidently made when the output was only one-fourth of that of 1897. Sugar

is the mainstay of the islands; without it there would be no considerable commerce and no talk of annexation.

Much is said as to coffee raising. Our consul at Honolulu has recently made a very full report as to the status of this industry. He shows that the labor is wholly Asiatic; that the Chinese receive \$16 per month and the Japanese \$15, without board; that the industry is not yet firmly established; that capital is necessary. He ventures the opinion that German labor could be profitably employed in planting, but does not pretend that "picking," the most expensive part of the transaction, can be done by any but inferior labor. The coffee supply of the world now fully equals the consumption. There is no tariff in this country upon coffee. The Hawaiian must compete with the low-priced labor of Brazil and Central America. Manifestly there is nothing in this outlook for either the American farmer or workingman. A few mechanics can get work now and then in Hawaii, but the market in this respect is quite limited.

Much has been said of the intention of the Dole Government to prevent Japanese immigration. That there has been no such intention is evidenced by the documents and facts which I placed before the Senate on yesterday. Not long since 800 Japanese immigrants were refused landing, and this was the basis for the controversy with Japan, that Government claiming that under existing treaties the interference was unjust. There is in force a convention between the two countries authorizing contract labor to go to Hawaii. This is, of course, the worst sort of immigration. The 800 excluded were not, except perhaps in a few isolated cases, of this class.

The treaty which provides for contract labor can be terminated on six months' notice by either power. Dole has never attempted to end it, but on the contrary, since the exclusion of the 800 non-contract Japanese, the Dole people, through their board of immigration, have agreed to the landing of 2,000 contract laborers from Japan. The sugar and coffee planters want cheap labor. They run the islands and will continue to do so, and they will have just the labor they wish—cheap labor—the only labor used anywhere in the world by coffee and sugar growers.

If Dole wishes the treaties with Japan modified, why does he not endeavor to procure such modification? If he can not do so unaided, why does he not invoke the friendly offices of the United States?

7. It is said that if we do not annex, Dole and others will divert their trade elsewhere. There is nothing in this. The main supporters and instigators of this treaty are not philanthropists. They are after profits. They trade with us because they make money by so doing. Without any remission of duty they would send their sugar and coffee to us because here is their market. When the McKinley bill interfered with their sugar, they still came here. With the reciprocity treaty in force, they would be insane to go elsewhere. Were it necessary to discriminate to hold their trade, we could do so by a reasonable treaty. As a matter of fact, however, they will, as has been said, continue to deal with the people of the United States for their own financial benefit.

It is said, Mr. President, that there are issues here involving the happiness and prosperity of the sugar trust of the United States. I suppose that upon a matter of international concern regarding a question which involves the alteration of our policy,

such a charge will not amount to a great deal; but yesterday the distinguished Senator from Kentucky [Mr. LINDSAY] very thoroughly answered the entire pretense. Certain it is that whenever we have brought within our confines all the great sugar producing regions of the earth—cane sugar, I mean—the sugar trust, so called, will be in clover. It to-day realizes more from the sugar produced by the planters of Louisiana than from any sugar which it imports, for it does not give those planters, as the Senators from Louisiana well know, the benefit of all the tariff, I suppose, not by at least half a cent per pound.

Whenever the cane-sugar production of the world, oriental and all, is within the United States, it is said we may have competition. Mr. President, the competition possible against great trusts is a mere theory. No more could a man with five or ten millions of money engage in a contest against the Standard Oil Company or the sugar trust or any of the other vast combinations in this country than could I, with my microscopic means, engage in a war of the sort with a millionaire.

Therefore this annexation in the end, and pressed to its legitimate results, will have but one outcome, and that directly antagonistic and contradictory to that which is asserted by the advocates of annexation. The sugar trust naturally favors and must favor annexation. But this is a collateral issue, designed merely to divert attention and to attempt by misstatement to lead people through prejudice or passion to vote contrary to their judgment. Those in this section of the country who have always supported the trust are for annexation.

8. The sugar planters, who are not numerous but enormously rich, have reaped their benefits for the most part from the reciprocity treaty with the United States, by means of which we have donated to them \$75,000,000—the extent of their exemption from duty.

They fear that this treaty may be changed and made more truly reciprocal. They therefore are spending time and money to secure annexation, and when this is accomplished their ample income will be made permanent without any benefit accruing to the people of the United States. This accounts for the position of various newspapers and individuals who are interesting themselves vigorously in advocacy of annexation.

9. The character of population we will bring in by annexation, as shown by the last census, is as follows:

Nationality.	Males.	Females.	Total.
Hawaiians	16,399	14,620	31,019
Part Hawaiians	4,249	4,236	8,485
Americans	1,975	1,111	3,086
British	1,406	844	2,250
Germans	866	566	1,432
French	56	45	101
Norwegian	216	162	378
Portuguese	8,202	6,989	15,191
Japanese	19,212	5,195	24,407
Chinese	19,167	2,449	21,616
South Sea Islanders	321	134	455
Other nationalities	448	152	600
Total	72,517	36,503	109,020

We do not exclude Japanese and will not do so if Hawaii is annexed. We exclude Chinese laborers, but we do not drive away those already here. Therefore, the Asiatics now in the islands will remain, and Chinese and Japanese "cheap labor" will be incorporated.

Mr. President, not very long ago the people of this country agitated the question of the restriction of immigration. It is but a few weeks since it was the subject of discussion in this Chamber. It is but a few years ago when it was almost provocative of a revolution upon the western coast of this country. We then objected to importing Mongolians by the shipload, and now, as remarked to me by a distinguished Senator, we propose to bring them in by the continent load.

We assume to be fond of our laborers, and yet we design importing or forcing into this country, by extending our boundary, an element of competition with which our kindred can not possibly hope to compete. When our friends who argue for a protective tariff point to its benefits, they invariably advance or seek to advance the argument that labor should receive munificent reward. In the prospective presence of 7,000,000 of an alien race, able to live upon a few cents a day, willing to work at starvation wages in cotton or woollen mills, we are still told that we pursue a "manifest destiny," that for which political organizations were called into existence. The Democratic party and the Republican party and the Populist party declare they are in favor of further educating and further enlightening our own people. I do not think any great organization in the United States has ever heretofore said that it believed in diluting our intelligence and morality with the ignorance and crime of other lands.

10. We are advised that most of the Hawaiian sugar land is held under lease and that there is plenty of fine land "for the people." Is anyone fool enough to think that the Hawaiian sugar barons will let an outsider in? If our land laws are extended over the islands, will the American farmer "get in" first? If there is a general grab, will he be considered? The truth is that it takes a fortune to develop and operate a plantation in Hawaii to get a start, and the poor man will be even less "in it" there than he is here.

11. If there is anything the matter with the Japanese and Hawaiian treaties; if there are troubles with Japan in contemplation; if there is difficulty regarding our improvement of Pearl Harbor, why not tender our good offices and we can fix these matters to the satisfaction of all? If our ability to do this is questioned, I answer, why not try? The advocates of annexation will not permit the making of any such negotiations, because they know that the same would be successful.

It is said that the Japanese and natives will unite and overthrow the Government.

Japan openly disclaims any such intention. If our interest required it, we would intervene to prevent any such effort.

The answer, however, to this pretense is that it is an annexation bugaboo. It is suggested by the very men who are importing contract laborers now. The Dole Government is doing this through its board of immigration.

12. The present Hawaiian Government was formed as the result

of a conspiracy headed by our minister. Its organization is utterly unfair; its constitution is so framed that the masses of the people have nothing to do with the election of a president, and the natives are and always have been, in fact, disfranchised. They had nothing to do with the organization of the constitution; and yet we are informed that annexation can be accomplished without their cooperation.

13. The proposed legislation is unconstitutional. Foreign territory can only be acquired through the treaty-making power. Our right to so acquire dominion has been maintained since the Louisiana case. It has been recognized by Story, Miller, and all writers upon constitutional law who have given their views upon the subject. This construction of the organic law found direct sanction in the opinion of Justice Clifford in *Holden vs. Joy* (17 Wall, 211).

14. The Texas case does not constitute a precedent, for Texas was admitted under section 3 of Article IV of the Constitution, which declares that "new States may be admitted by the Congress into this Union." The Constitution having thus designated the cases wherein the Congress might exercise jurisdiction to admit, and confined such exercise to "new States," excluded the granting of authority to admit any territory not constituting new States. The provision of section 3 supra, giving the Congress power to dispose of and make all needful rules and regulations respecting the territory of the United States, refers to territory acquired not by the authority conferred in that section, but pursuant to the treaty-making power.

15. The jurisdiction of the Congress as to legislation is circumscribed by the limits of the United States. Without those limits Congress can not go, unless some explicit power can be shown. Hawaii can be annexed only pursuant to a valid international contract, i. e., a treaty.

16. The cession of nationality is neither an executive nor a legislative function. The Hawaiian Executive or Legislature or both have no general authority to alienate their functions and to deed away the nationality which they have been chosen to govern. If such authority exists, it must be discovered in the Hawaiian constitution.

17. The only provision found in the Hawaiian constitution which anyone pretends conveys the right upon Dole and his associates to deed away the Government is found in section 32 of the Hawaiian constitution. That provision is to the effect that the President, with the approval of the cabinet, is empowered to make a treaty of political and commercial union between Hawaii and this country, subject to the concurrence of the Senate.

The power to make a political union does not involve annexation. No one will pretend that authority to make a commercial union affects nationality. Political union does not necessarily involve the extinguishment of either nation. The conferring of this authority upon Hawaii gives no right to sacrifice her entity or to merge the same into the American Republic.

Granting the existence of the power to deed away sovereignty under the thirty-second article of the Hawaiian constitution, such grant has not been made, although a treaty was proposed by Hawaii and agreed upon by the plenipotentiaries of both nations

and transmitted by the President approvingly to the Senate. Nevertheless, a treaty being a contract, mutual in all respects, and dependent for its efficacy and validity upon the acquiescence of all parties thereto, and Article II, section 2, paragraph 2, of our Constitution subjecting the Presidential treaty-making prerogative to the advice and consent of the Senate, and such advice and consent not having been given, it follows that the Hawaiian so-called treaty is yet a mere unexecuted proposition, invalid, unenforceable, and without the slightest potentiality. It is binding upon neither party, and is inadmissible in evidence for or against any party named within it.

The resolution recites that which is absolutely false, for it declares that the "cession" has been made. No cession or grant is of the slightest validity or entitled to be called such until it is effective, binding, and not requiring any acquiescence to make it complete.

The assertion in the general resolution, "the Republic of Hawaii having, in due form, signified its consent in the manner provided by its constitution, to cede absolutely * * * to the United States all rights of sovereignty," etc., is misleading. The consent of Hawaii can not be shown otherwise than by treaty, and a treaty not accepted by the United States, pursuant to her Constitution, is a mere proposition, susceptible of withdrawal by the party proposing it and ignored by the second and material party.

Granting that Hawaii has formally proposed to cede by treaty and that the power of cession is conferred in her constitution, such cession can only become complete when the United States has ratified the treaty and thus made it effective and for the first time assented to the acquisition.

18. The present acquisition threatens our dominancy on this hemisphere, because Mexico and Central and South America have heretofore believed us sincere in advocating the Monroe doctrine. Our abandonment of that doctrine must generate suspicion, impair confidence in our sincerity, and warn our neighbors that we intend to embark upon those marauding schemes which we have always hitherto condemned.

19. The determination of Hawaiian annexation affirmatively is bad enough in so far as the result must be the acquiring of a country for the benefit of a few sugar growers and speculators, yet the serious evil is found in the example set. The Philippines, the Carolines, Puerto Rico, Cuba, and the Ladrões tempt the covetous eye of the modern expansionist.

20. Heretofore we have sought to defend our laboring interests by excluding shiploads of Chinamen. We will soon import continent-loads of Malays, Negritos, *id omne genus*.

21. The protectionists of the United States have heretofore declared themselves in favor of advanced wages. The new policy will break down all restraint, for those who are brought within our confines must have equal rights. Slave labor—and all enforced contract toil is slave labor—is tolerated under our Constitution; because it has been held by our Supreme Court that contracts for services may be penally maintained. The labor contracts of Hawaii are therefore legally defensible, and it is the policy of annexationists to maintain these contracts. They will vote against the amendment annulling the same.

22. The policy in which we are about to enter will lead to enormous expenditure. The present Congress will be considered most economical in the light of that which is to come. Millions upon millions for the maintenance of an enormous army and an enormous navy are indispensable adjuncts to the expansion theory.

23. The expansion theory will lead us into complications with foreign nations. We will be brought in contact with all sorts of problems which do not now receive any consideration at our hands. We will be warlike and aggressive instead of peaceful, happy, and prosperous.

There are several amendments before the Senate touching this matter, and there probably will be other amendments offered. I do not know that any advocate of annexation will be willing to take the position that any of these amendments ought to be adopted. I suppose that even the amendment which prevents slave labor in Hawaii may be voted down. I presume that the joint resolution in its present untruthful form, stating that there has been a cession when there is no cession, is also to receive the approval of those who are in favor of annexation.

But at least we ought to be willing to submit to the Senate, with confidence in its adoption, an amendment authorizing the people of those islands to vote. I will not go into the character of the organization of that Government. I will not speak of the methods which were employed. The Senator from South Dakota [Mr. PETTIGREW] will more fully and completely cover that subject than I would be able to do, as he is, I believe, more familiar with it, though I have given it some study. But if ever there was a time when the American people should be careful not to incorporate within their confines any of those who do not wish to come in, it is now. Why not, then, adopt the amendment permitting a vote?

Mr. President, I sympathize with the views expressed by the distinguished Senator from Massachusetts [Mr. HOAR], as every one, I presume, here knows, with reference to the extension of dominion; but he must remember, when he asserts that the annexation of the Hawaiian Islands does not mean such extension, and can not be quoted in advocacy of that extension, that that argument is not recognized as valid by the advocates of a broader policy. They hail him as a powerful colaborer in the cause.

Captain Mahan, from whom the advocates of annexation have often quoted, has said in an article published by him and called "Hawaii and our future sea power:"

The United States finds itself compelled to answer a question—to make a decision—not unlike and not less momentous than that required of the Roman senate when the Mamertine garrison invited it to occupy Messina, and so to abandon the hitherto traditional policy which had confined the expansion of Rome to the Italian peninsula.

Again he says:

This is no mere question of a particular act, but of a principle, a policy, fruitful of many future acts, to enter upon which, in the fullness of our national progress, the time has now arrived. The principle accepted, the annexation of Hawaii would be no mere sporadic effort, irrational because disconnected from an adequate motive, but a first fruit and a token that the nation in its evolution has aroused itself to the necessity of carrying its life—that has been the happiness of those under its influence—beyond the borders that have heretofore sufficed for its activities.

There is a very brief comment taken from the Nation upon this article, which I will read:

That is precisely the way to put it. "This is no mere question of a particular act, but of a principle, a policy, fruitful of many future acts." As such it is as important as anything which has occurred in the United States since the adoption of the Federal Constitution, and as such it ought to be debated. Considering this, the way in which the subject has been for four years left in the hands of sugar and other speculators, and bandied about as a means of making money for a few sons of missionaries, of keeping England out of an island, of curing lewdness and heathenism, and of securing a lockless "key," is certainly very odd.

* * * * *

Congress is becoming more and more aware of the gravity of the scheme. Captain Mahan has laid it perfectly bare. His illustration from the history of Rome is most apposite. When the senate directed the consul to occupy Messina, it launched Rome on a new career, which was to build up the Roman Empire, but it sealed the fate of Roman republicanism. The age of Cato and Scipio and Gracchus, the age of liberty and law, had come to an end. The age of Marius and Sylla and Pompey and Cæsar and Augustus and Caligula had been entered on. The empire had begun. As soon as provinces began to be acquired by conquest or fraud the rule of the people ceased and the oligarchical senate took charge.

The senate had not been long in charge before the "princeps" or "boss" made his appearance and told it what laws to pass and how the sham offices should be filled. And the princeps had not been long in command before the soldiers who won and held the provinces made their appearance and put his office up at auction. And then, in another brief period, the whole fabric built up by so much valor and ambition and love of "expansion" fell into hideous ruin. If it does not point a moral as well as adorn a tale, no event of human history is fitted to do so.

Mr. President, it is unfair and wrong to charge those of us who oppose annexation with want of patriotism. I can understand that somebody who may have a financial interest in the result of this contest, who may, for instance, hold stock in some Hawaiian sugar companies, may do this, but those of us who are here in opposition to this scheme earnestly believe that its accomplishment will bring great disaster upon the Republic.

We glory in the triumph of our arms, in all that the American citizen should deem worthy of praise, and we resent as infamously untrue any imputation to the contrary. Upon the deck of every battle ship where American blood has been poured, upon every field where American valor has transmitted to posterity in imperishable message the grandeur and splendor of her name—we have an interest in all that we have a share—it is the common heritage of American citizenship. Therefore, sir, when we contest for what we conceive to be the truth and the right we but exercise a right and perform a duty.

The expressions of the Senator from Massachusetts [Mr. HOAR] in the early part of his remarks this morning regarding the duty of a Senator were very appropriate.

I have noticed, so far as I am personally concerned, that I have been attacked because in the legislature of my State in 1893 a resolution favoring annexation was passed. To show the absolute impossibility of following any rule, if it can be called a rule, of that kind I will place in the RECORD as a part of my remarks the vote in the very next California legislature two years afterwards, in which in the State senate the Hawaiian resolution was defeated, the vote being 9 to 22, the negative being composed of all the Democratic members and a majority of the Republican mem-

bers. Of course if we are to be guided by an inspiration of this kind, I presume the last expression must be deemed more binding than the first.

Assembly joint resolution No. 8, relative to the annexation of Hawaii, was introduced January 24, 1893, by Assemblyman Bremster C. Kenyon, of the seventy-second district (Los Angeles), and referred to committee on federal relations.—*Assembly Journal*, page 156.

The resolution was favorably reported from committee on January 31, 1893.—*Assembly Journal*, page 206.

The resolution was read and adopted February 18, 1893.—*Assembly Journal*, page 458.

The resolution reached the Senate in message February 18, 1893, and was referred to the committee on federal relations and immigration.—*Senate Journal*, page 552.

The resolution was reported favorably to the Senate from committee and made special order for same day at 3.30 p. m. February 27, 1893.—*Senate Journal*, page 701.

The resolution was not reached at 3.30 p. m. February 27, 1893, and was made special order for March 1, 1893.—*Senate Journal*, page 708.

The resolution was refused adoption, upon the roll being called, by a vote of 22 against and 9 for, on March 1, 1893.—*Senate Journal*, page 750.

The resolution was defeated by the following vote: Ayes, Senators Beard, Franck, Henderson, Orr, Pedlar, Shine, Simpson, Voorhees, and Withington—9. Noes, Senators Arms, Androus, Bert, Burke, Denison, Dunn, Fay, Flint, Gesford, Gleaves, Hart, Hollaway, Mahoney, Martin, Mathews, McAllister, McGowan, Seawell, Seymour, Shippee, Toner, and Whitehurst—22.

I take it that those of us who have come here, representing as we all do able and strong constituencies, are expected to exercise our judgments in accordance with the dictates of our consciences and the theories of government as we understand them. We are here with some independence of character, I trust, and sworn to follow a Constitution which we can not afford to violate as we interpret it, even though we are instructed to do it by the combined vote of the American people. We strive to do our duty. In this way only can we expect or do we deserve respect.

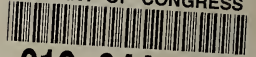
I have the greatest confidence in the wisdom, the candor, the absolute ability of the American people, but it is impossible for me as an individual to know as much of a given question as another who has contributed toward it more thought, who has examined it with more care, who has studied it with more painstaking deliberation, and who has had the weight of its decision directly upon his shoulders. So it takes time for these matters to be understood. They are not to be solved in an instant. Hence that legislator who follows what he concedes to be his duty in a matter involving principle and affecting, as he understands it, the basic principles of government is right. The legislator who does not thus act is wrong and proceeds contrary to his obligations, whether he be in this Chamber or elsewhere.

The exciting incidents surrounding us may influence some, but no action we may take regarding this resolution can have the slightest effect upon the pending conflict. We will proceed until victory perches upon our standard and until conquest after conquest shall attest our superiority. The difficulty will come later on. Stirring scenes may be in store for us. Battles may be fiercely waged. This will be so no matter what may be done regarding Hawaii.

The influence of our action here is in another direction, and bears upon final settlement. I fear the effect of the example. I regard with deep solicitude the possible changes of our tried and

true policies. If annexation must come, it will be the hope of those who have opposed its consummation, with all the power at our command, that our views may have been mistaken. It will be our prayer that this great nation will not proceed upon a career of conquest; that she will not teach her sons and daughters that in the glory of martial triumph is to be found the supreme happiness of freemen. When the battle tide has passed and the calmness of reflection is about us, may we wisely consider those important teachings handed down from the great and gone, and may we never forget that not within our little circle or in our little day has been discovered all the wisdom of mankind, and that we are perhaps becoming heedless of the lessons that philosophy and patriotism have inculcated since the morning of time.

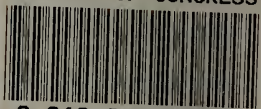
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